

By Senator Margolis

35-1123-03

1                                   A bill to be entitled  
2           An act relating to the Beverage Law; amending  
3           s. 561.32, F.S., relating to transfer of  
4           certain licenses to sell alcoholic beverages;  
5           providing an exception to a waiver of certain  
6           transfer fees when the transfer is within a  
7           specified period; providing an effective date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

10  
11           Section 1. Subsection (5) of section 561.32, Florida  
12   Statutes, is amended to read:

13           561.32 Transfer of licenses; change of officers or  
14   directors; transfer of interest.--

15           (4)(a) Except as provided in paragraph (b), a license  
16   issued under s. 561.20(1) shall not be transferable in any  
17   manner, either directly or indirectly, including by any change  
18   in stock, partnership shares, or other form of ownership of  
19   any entity holding the license, except by probate or  
20   guardianship proceedings, for a period of 3 years from the  
21   date of original issuance. Any attempted assignment, sale, or  
22   transfer of interest in such license either directly or  
23   indirectly in violation of this provision is hereby declared  
24   void, and the license shall be deemed abandoned and shall  
25   revert to the state to be issued in the manner provided by law  
26   for issuance of new licenses.

27           (b) A license issued under s. 561.20(1) may be  
28   transferred as provided by law within the 3-year period only  
29   upon payment to the division of a transfer fee in an amount  
30   equal to 15 times the annual license fee specified in s.  
31   565.02(1)(b)-(f) in the county in which the license is valid.

1 However, if the county is only authorized for the issuance of  
2 liquor licenses for package sales only, the transfer fee shall  
3 be in an amount equal to 15 times the annual license fee  
4 specified in s. 565.02(1)(a). Subsequent to any such transfer,  
5 the transferee shall be subject to the provisions of the  
6 beverage laws with respect to the requirement for initial  
7 issuance of a license. Any change of ownership in any manner,  
8 either directly or indirectly, including any change in stock,  
9 partnership shares, or other form of ownership of any entity  
10 holding the license shall be considered a transfer and subject  
11 to the fees set forth in this paragraph. The transfer fees  
12 provided for in this paragraph shall be in addition to any  
13 other transfer fee provided for by this section. The funds  
14 collected pursuant to this paragraph shall be deposited in the  
15 Alcoholic Beverages and Tobacco Trust Fund and shall be used  
16 by the division to defray the costs of operation.

17 (5) The division shall waive the transfer fee and the  
18 delinquent penalties, but not the license renewal fee, when  
19 the transfer of an interest in an alcoholic beverage license  
20 occurs by operation of law because of a death, judicial  
21 proceedings, court appointment of a fiduciary, foreclosure or  
22 forced judicial sale, bankruptcy proceedings, or seizure of a  
23 license by a government agency. The waiver provided for in  
24 this subsection shall not apply to transfers made within the  
25 3-year period set forth in subsection (4).

26 Section 2. This act shall take effect upon becoming a  
27 law.

28  
29  
30  
31