

1                                   A bill to be entitled  
 2           An act relating to the Beverage Law; amending ss. 561.15  
 3           and 561.17, F.S.; providing that a performing arts center  
 4           that has an interest, directly or indirectly, in an  
 5           alcoholic beverage license is not required to obtain from  
 6           the Division of Alcoholic Beverages and Tobacco of the  
 7           Department of Business and Professional Regulation  
 8           approval of its volunteer officers or directors or any  
 9           change of such positions or interests; providing an  
 10          effective date.

11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

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

Section 1. Subsection (3) of section 561.15, Florida Statutes, is amended to read:

561.15 Licenses; qualifications required.—

(3) The division may suspend or revoke the license under the Beverage Law of, or may refuse to issue a license under the Beverage Law to:

(a) Any person, firm, or corporation the license of which under the Beverage Law has been revoked or has been abandoned after written notice that revocation or suspension proceedings had been or would be brought against the license;

(b) Any corporation if an officer, director, or person interested directly or indirectly in the corporation has had her or his license under the Beverage Law revoked or has abandoned her or his license after written notice that revocation or suspension proceedings had been or would be brought against her

HB 259

2011

29 | or his license; or

30 |       (c) Any person who is or has been an officer of a  
31 | corporation, or who was interested directly or indirectly in a  
32 | corporation, the license of which has been revoked or abandoned  
33 | after written notice that revocation or suspension proceedings  
34 | had been or would be brought against the license.

35 |  
36 | Any license issued to a person, firm, or corporation that would  
37 | not qualify for the issuance of a new license or the transfer of  
38 | an existing license may be revoked by the division. However, any  
39 | company regularly traded on a national securities exchange and  
40 | not over the counter; any insurer, as defined in the Florida  
41 | Insurance Code; or any bank or savings and loan association  
42 | chartered by this state, another state, or the United States  
43 | which has an interest, directly or indirectly, in an alcoholic  
44 | beverage license is shall ~~shall~~ not be required to obtain the  
45 | division's ~~division~~ approval of its officers, directors, or  
46 | stockholders or any change of such positions or interests. Any  
47 | such company, insurer, bank, or savings and loan association  
48 | which has a direct or indirect interest or which has an  
49 | ownership interest in the business sought to be licensed, but  
50 | which does not operate that business, may elect to place the  
51 | license solely in the name of the operator. The operator's  
52 | license application shall list the direct, indirect, or  
53 | ownership interest and the names of the officers, directors,  
54 | stockholders, or partners of such company, insurer, bank, or  
55 | association. A shopping center with five or more stores, one or  
56 | more of which has an alcoholic beverage license and is required

57 | under a lease common to all shopping center tenants to pay no  
58 | more than 10 percent of the gross proceeds of the business  
59 | holding the license to the shopping center, shall not be  
60 | considered as having an interest, directly or indirectly, in the  
61 | license. A performing arts center that has an interest, directly  
62 | or indirectly, in an alcoholic beverage license is not required  
63 | to obtain the division's approval of its volunteer officers or  
64 | directors or any change of such positions or interests.

65 |       Section 2. Subsection (1) of section 561.17, Florida  
66 | Statutes, is amended to read:

67 |       561.17 License and registration applications; approved  
68 | person.—

69 |       (1) Any person, before engaging in the business of  
70 | manufacturing, bottling, distributing, selling, or in any way  
71 | dealing in alcoholic beverages, shall file, with the district  
72 | licensing personnel of the district of the division in which the  
73 | place of business for which a license is sought is located, a  
74 | sworn application in the format prescribed by the division. The  
75 | applicant must be a legal or business entity, person, or persons  
76 | and must include all persons, officers, shareholders, and  
77 | directors of such legal or business entity that have a direct or  
78 | indirect interest in the business seeking to be licensed under  
79 | this part. However, the applicant does not include any person  
80 | that derives revenue from the license solely through a  
81 | contractual relationship with the licensee, the substance of  
82 | which contractual relationship is not related to the control of  
83 | the sale of alcoholic beverages. Before any application is  
84 | approved, the division may require the applicant to file a set

85 of fingerprints on regular United States Department of Justice  
86 forms for herself or himself and for any person or persons  
87 interested directly or indirectly with the applicant in the  
88 business for which the license is being sought, when required by  
89 the division. If the applicant or any person who is interested  
90 with the applicant either directly or indirectly in the business  
91 or who has a security interest in the license being sought or  
92 has a right to a percentage payment from the proceeds of the  
93 business, either by lease or otherwise, is not qualified, the  
94 division shall deny the application. However, any company  
95 regularly traded on a national securities exchange and not over  
96 the counter; any insurer, as defined in the Florida Insurance  
97 Code; or any bank or savings and loan association chartered by  
98 this state, another state, or the United States which has an  
99 interest, directly or indirectly, in an alcoholic beverage  
100 license is not required to obtain the division's approval of its  
101 officers, directors, or stockholders or any change of such  
102 positions or interests. A shopping center with five or more  
103 stores, one or more of which has an alcoholic beverage license  
104 and is required under a lease common to all shopping center  
105 tenants to pay no more than 10 percent of the gross proceeds of  
106 the business holding the license to the shopping center, is not  
107 considered as having an interest, directly or indirectly, in the  
108 license. A performing arts center that has an interest, directly  
109 or indirectly, in an alcoholic beverage license is not required  
110 to obtain the division's approval of its volunteer officers or  
111 directors or any change of such positions or interests.

112 Section 3. This act shall take effect July 1, 2011.