

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.

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

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

16 561.15 Licenses; qualifications required.—

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

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21 under the Beverage Law has been revoked or has been abandoned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

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

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 32 | corporation, the license of which has been revoked or abandoned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.

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 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, as defined in s. 561.01, that
62 | has an interest, directly or indirectly, in an alcoholic
63 | beverage license is not required to obtain the division's
64 | approval of its volunteer officers or directors or any change of
65 | such positions or interests.

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

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

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

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85 approved, the division may require the applicant to file a set
86 of fingerprints on regular United States Department of Justice
87 forms for herself or himself and for any person or persons
88 interested directly or indirectly with the applicant in the
89 business for which the license is being sought, when required by
90 the division. If the applicant or any person who is interested
91 with the applicant either directly or indirectly in the business
92 or who has a security interest in the license being sought or
93 has a right to a percentage payment from the proceeds of the
94 business, either by lease or otherwise, is not qualified, the
95 division shall deny the application. However, any company
96 regularly traded on a national securities exchange and not over
97 the counter; any insurer, as defined in the Florida Insurance
98 Code; or any bank or savings and loan association chartered by
99 this state, another state, or the United States which has an
100 interest, directly or indirectly, in an alcoholic beverage
101 license is not required to obtain the division's approval of its
102 officers, directors, or stockholders or any change of such
103 positions or interests. A shopping center with five or more
104 stores, one or more of which has an alcoholic beverage license
105 and is required under a lease common to all shopping center
106 tenants to pay no more than 10 percent of the gross proceeds of
107 the business holding the license to the shopping center, is not
108 considered as having an interest, directly or indirectly, in the
109 license. A performing arts center, as defined in s. 561.01,
110 that has an interest, directly or indirectly, in an alcoholic
111 beverage license is not required to obtain the division's
112 approval of its volunteer officers or directors or any change of

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113 | such positions or interests.

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