

By Senator Latvala

16-00529-11

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1 A bill to be entitled
2 An act relating to the Beverage Law; amending ss.
3 561.15 and 561.17, F.S.; exempting performance arts
4 centers from obtaining approval from the Division of
5 Alcoholic Beverages and Tobacco of the Department of
6 Business and Professional Regulation of volunteer
7 officers or directors of the performing arts center or
8 of changes in such positions; providing an effective
9 date.

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

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

15 561.15 Licenses; qualifications required.—

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

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20 under the Beverage Law has been revoked or has been abandoned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

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

29 (c) Any person who is or has been an officer of a

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30 corporation, or who was interested directly or indirectly in a
31 corporation, the license of which has been revoked or abandoned
32 after written notice that revocation or suspension proceedings
33 had been or would be brought against the license.

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35 Any license issued to a person, firm, or corporation that would
36 not qualify for the issuance of a new license or the transfer of
37 an existing license may be revoked by the division. However, any
38 company regularly traded on a national securities exchange and
39 not over the counter; any insurer, as defined in the Florida
40 Insurance Code; or any bank or savings and loan association
41 chartered by this state, another state, or the United States
42 which has an interest, directly or indirectly, in an alcoholic
43 beverage license shall not be required to obtain division
44 approval of its officers, directors, or stockholders or any
45 change of such positions or interests. Any such company,
46 insurer, bank, or savings and loan association which has a
47 direct or indirect interest or which has an ownership interest
48 in the business sought to be licensed, but which does not
49 operate that business, may elect to place the license solely in
50 the name of the operator. The operator's license application
51 shall list the direct, indirect, or ownership interest and the
52 names of the officers, directors, stockholders, or partners of
53 such company, insurer, bank, or association. A shopping center
54 with five or more stores, one or more of which has an alcoholic
55 beverage license and is required under a lease common to all
56 shopping center tenants to pay no more than 10 percent of the
57 gross proceeds of the business holding the license to the
58 shopping center, shall not be considered as having an interest,

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59 directly or indirectly, in the license. A performing arts
60 center, as defined in s. 561.01, which has an interest, directly
61 or indirectly, in an alcoholic beverage license is not required
62 to obtain division approval of its volunteer officers or
63 directors or of any change in such positions or interests.

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

66 561.17 License and registration applications; approved
67 person.—

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

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

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