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LEGISLATIVE ACTION

Senate

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House

Floor: 3a/AD/2R

02/23/2016 11:31 AM

Senator Bradley moved the following:

1 **Senate Amendment to Amendment (598330) (with title**
2 **amendment)**

3
4 Delete lines 18 - 77

5 and insert:

6 waiver or extension of the requirements of this paragraph for a
7 period not to exceed 12 months if the licensee demonstrates
8 that:

9 1. The licensed premises has been physically damaged to
10 such an extent that active operation of the business at the
11 premises is impracticable;



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12 2. Construction or remodeling is underway to relocate the
13 license to another location;

14 3. The licensed premises has been prohibited from making
15 sales as the result of any order of any court of competent
16 jurisdiction, or any action or inaction of a local governmental
17 entity relating to the permitting, construction, or occupational
18 capacity of the physical location of the licensed premises.

19 (i) Failure of any licensee issued a new or transfer
20 license after September 30, 1988, under s. 561.20(1) to maintain
21 the licensed premises in an active manner in which the licensed
22 premises are open for business to the public for the bona fide
23 retail sale of authorized alcoholic beverages during regular and
24 reasonable business hours for at least 8 hours a day for a
25 period of 210 days or more during any 12-month period commencing
26 6 months after the acquisition of the license by the licensee.
27 It is the intent of this act that for purposes of compliance
28 with this paragraph, a licensee shall operate the licensed
29 premises in a manner so as to maximize sales and tax revenues
30 thereon; this includes maintaining a reasonable inventory of
31 merchandise, including authorized alcoholic beverages, and the
32 use of good business practices to achieve the intent of this
33 law. Any attempt by a licensee to circumvent the intent of this
34 law shall be grounds for revocation or suspension of the
35 alcoholic beverage license. ~~The division may, upon written~~
36 ~~request of the licensee, give a written waiver of this~~
37 ~~requirement for a period not to exceed 12 months in cases where~~
38 ~~the licensee demonstrates that the licensed premises has been~~
39 ~~physically destroyed through no fault of the licensee, when the~~
40 ~~licensee has suffered an incapacitating illness or injury which~~



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41 ~~is likely to be prolonged, or when the licensed premises has~~
42 ~~been prohibited from making sales as a result of any action of~~
43 ~~any court of competent jurisdiction. Any waiver given pursuant~~
44 ~~to this subsection may be continued upon subsequent written~~
45 ~~request showing that substantial progress has been made toward~~
46 ~~restoring the licensed premises to a condition suitable for the~~
47 ~~resumption of sales or toward allowing for a court having~~
48 ~~jurisdiction over the premises to release said jurisdiction, or~~
49 ~~that an incapacitating illness or injury continues to exist.~~
50 ~~However, in no event may the waivers necessitated by any one~~
51 ~~occurrence cumulatively total more than 24 months. Every A~~
52 licensee shall notify the division in writing of any period
53 during which his or her license is inactive and place the
54 physical license with the division to be held in an inactive
55 status. For the purpose of calculating compliance with the
56 requirements of this paragraph, a license that is acquired in a
57 transaction that is not an arm's length transaction, including
58 transfers from relatives, affiliates, subsidiaries, and other
59 related entities, retains and is subject to the first related
60 transferor's date of acquisition and related periods of
61 operation. The division shall, upon written request of the
62 licensee, grant a one-time written waiver or extension of the
63 requirements of this paragraph for a period not to exceed 12
64 months. Additionally, the division may, upon written request of
65 the licensee, grant a waiver or extension of the

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:

69 Delete line 99



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70 and insert:

71 division may grant a waiver or extension of the