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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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02/23/2016 11:32 AM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Delete lines 133 - 183

and insert:

division to be held in an inactive status. ~~The division may waive or extend the requirement of this section upon the finding of hardship, including the purchase of the license in order to transfer it to a newly constructed or remodeled location. However, during such closed period, the licensee shall make reasonable efforts toward restoring the license to active status.~~ This paragraph applies shall apply to all annual license



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12 periods commencing on or after July 1, 1981, but does shall not
13 apply to licenses issued after September 30, 1988. The division
14 shall, upon written request of the licensee, grant a one-time
15 written waiver or extension of the requirements of this
16 paragraph for a period not to exceed 12 months. Additionally,
17 the division may, upon written request of the licensee, grant a
18 second waiver or extension of the requirements of this paragraph
19 for a period not to exceed 12 months if the licensee
20 demonstrates that:

21 1. The licensed premises has been physically damaged to
22 such an extent that active operation of the business at the
23 premises is impracticable;

24 2. Construction or remodeling is underway to relocate the
25 license to another location;

26 3. The licensed premises has been prohibited from making
27 sales as the result of any order of any court of competent
28 jurisdiction, or any action or inaction of a local governmental
29 entity relating to the permitting, construction, or occupational
30 capacity of the physical location of the licensed premises.

31 (i) Failure of any licensee issued a new or transfer
32 license after September 30, 1988, under s. 561.20(1) to maintain
33 the licensed premises in an active manner in which the licensed
34 premises are open for business to the public for the bona fide
35 retail sale of authorized alcoholic beverages during regular and
36 reasonable business hours for at least 8 hours a day for a
37 period of 210 days or more during any 12-month period commencing
38 6 months after the acquisition of the license by the licensee.
39 It is the intent of this act that for purposes of compliance
40 with this paragraph, a licensee shall operate the licensed



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41 premises in a manner so as to maximize sales and tax revenues
42 thereon; this includes maintaining a reasonable inventory of
43 merchandise, including authorized alcoholic beverages, and the
44 use of good business practices to achieve the intent of this
45 law. Any attempt by a licensee to circumvent the intent of this
46 law shall be grounds for revocation or suspension of the
47 alcoholic beverage license. ~~The division may, upon written~~
48 ~~request of the licensee, give a written waiver of this~~
49 ~~requirement for a period not to exceed 12 months in cases where~~
50 ~~the licensee demonstrates that the licensed premises has been~~
51 ~~physically destroyed through no fault of the licensee, when the~~
52 ~~licensee has suffered an incapacitating illness or injury which~~
53 ~~is likely to be prolonged, or when the licensed premises has~~
54 ~~been prohibited from making sales as a result of any action of~~
55 ~~any court of competent jurisdiction. Any waiver given pursuant~~
56 ~~to this subsection may be continued upon subsequent written~~
57 ~~request showing that substantial progress has been made toward~~
58 ~~restoring the licensed premises to a condition suitable for the~~
59 ~~resumption of sales or toward allowing for a court having~~
60 ~~jurisdiction over the premises to release said jurisdiction, or~~
61 ~~that an incapacitating illness or injury continues to exist.~~
62 ~~However, in no event may the waivers necessitated by any one~~
63 ~~occurrence cumulatively total more than 24 months. Every A~~
64 licensee shall notify the division in writing of any period
65 during which his or her license is inactive and place the
66 physical license with the division to be held in an inactive
67 status. For the purpose of calculating compliance with the
68 requirements of this paragraph, a license that is acquired in a
69 transaction that is not an arm's length transaction, including



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70 transfers from relatives, affiliates, subsidiaries, and other
71 related entities, retains and is subject to the first related
72 transferor's date of acquisition and related periods of
73 operation. The division shall, upon written request of the
74 licensee, grant a one-time written waiver or extension of the
75 requirements of this paragraph for a period not to exceed 12
76 months. Additionally, the division may, upon written request of
77 the licensee, grant a second waiver or extension of the
78 requirements of this paragraph for a period not to exceed 12
79 months if the licensee demonstrates that:

80 1. The licensed premises has been physically damaged to
81 such an extent that active operation of the business at the
82 premises is impracticable;

83 2. Construction or remodeling is underway to relocate the
84 license to another location;

85 3. The licensed premises has been prohibited from making
86 sales as the result of any order of any court of competent
87 jurisdiction, or any action or inaction of a local governmental
88 entity relating to the permitting, construction, or occupational
89 capacity of the physical location of the licensed premises.

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91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete lines 11 - 17

94 and insert:

95 561.29, F.S.; requiring the division to grant a one-
96 time written waiver or extension of certain
97 requirements to specified licensees; revising the
98 circumstances under which a licensee may seek and the



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division may grant a second waiver or extension of the
requirements; creating s. 561.4205, F.S.;