

1 A bill to be entitled

2 An act relating to the Division of Alcoholic Beverages
3 and Tobacco; amending s. 561.11, F.S.; revising the
4 power and authority of the division to include
5 appointment of division personnel; requiring that
6 certain personnel be assigned to the Selected Exempt
7 Service; amending s. 561.17, F.S.; authorizing the
8 Agency for Health Care Administration to certify that
9 an alcoholic beverage license applicant's place of
10 business meets sanitary requirements; amending s.
11 561.331, F.S.; removing the fee for transferring or
12 changing the location of a temporary beverage license;
13 amending s. 565.03, F.S.; revising requirements for an
14 annual state license tax for a distillery and craft
15 distillery; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (2) of section 561.11, Florida
20 Statutes, is amended to read:

21 561.11 Power and authority of division.—

22 (2) The division shall have full power and authority to
23 appoint division personnel and provide for the continuous
24 training and upgrading of all such ~~division~~ personnel in their
25 respective positions with the division. Notwithstanding any law

26 | to the contrary, chiefs, assistant chiefs, regional managers
 27 | including majors, and district and office managers including
 28 | captains shall be assigned to the Selected Exempt Service and
 29 | their salaries and benefits shall be set by the Department of
 30 | Management Services in accordance with the rules of the Selected
 31 | Exempt Service under part V of chapter 110. The ~~This~~ training
 32 | shall include the attendance of such ~~division~~ personnel at
 33 | workshops, seminars, or special schools established by the
 34 | division or other organizations when attendance at such
 35 | educational programs shall in the opinion of the division be
 36 | deemed appropriate to the particular position that ~~which~~ the
 37 | employee holds.

38 | Section 2. Subsection (2) of section 561.17, Florida
 39 | Statutes, is amended to read:

40 | 561.17 License and registration applications; approved
 41 | person.—

42 | (2) All applications for alcoholic beverage licenses for
 43 | consumption on the premises shall be accompanied by a
 44 | certificate of the Division of Hotels and Restaurants of the
 45 | Department of Business and Professional Regulation, ~~or~~ the
 46 | Department of Agriculture and Consumer Services, ~~or~~ the
 47 | Department of Health, the Agency for Health Care Administration,
 48 | or the county health department that the place of business
 49 | wherein the business is to be conducted meets all of the
 50 | sanitary requirements of the state.

51 Section 3. Subsections (1) and (3) of section 561.331,
52 Florida Statutes, are amended to read:

53 561.331 Temporary license upon application for transfer,
54 change of location, or change of type or series.—

55 (1) Upon the filing of a properly completed application
56 for transfer pursuant to s. 561.32, which application does not
57 on its face disclose any reason for denying an alcoholic
58 beverage license, by any purchaser of a business that ~~which~~
59 possesses a beverage license of any type or series, the
60 purchaser of such business and the applicant for transfer are
61 entitled as a matter of right to receive a temporary beverage
62 license of the same type and series as that held by the seller
63 of such business. The temporary license will be valid for all
64 purposes under the Beverage Law until the application is denied
65 or until 14 days after the application is approved. Such
66 temporary beverage license shall be issued by the district
67 supervisor of the district in which the application for transfer
68 is made without the assessment of any additional fee or tax ~~upon~~
69 ~~the payment of a fee of \$100~~. A purchaser operating under ~~the~~
70 ~~provisions of~~ this subsection is subject to the same rights,
71 privileges, duties, and limitations of a beverage licensee as
72 are provided by law, except that purchases of alcoholic
73 beverages during the term of such temporary license shall be for
74 cash only. However, such cash-only restriction does not apply if
75 the entity holding a temporary license pursuant to this section

76 purchases alcoholic beverages as part of a single-transaction
77 cooperative purchase placed by a pool buying agent or if such
78 entity is also the holder of a state beverage license
79 authorizing the purchase of the same type of alcoholic beverages
80 as authorized under the temporary license.

81 (3) Upon the filing of a properly completed application to
82 change the type or series of a beverage license by any qualified
83 licensee having a beverage license of any type or series, which
84 application does not on its face disclose any reason for denying
85 an alcoholic beverage license, the licensee is entitled as a
86 matter of right to receive a temporary beverage license of the
87 type or series applied for, which temporary license is valid for
88 all purposes under the Beverage Law until the application is
89 denied or until 14 days after the application is approved. Such
90 temporary license shall be issued by the district supervisor of
91 the district in which the application for change of type or
92 series is made without the assessment of any additional fee or
93 tax. If the department issues a notice of intent to deny the
94 license application for failure of the applicant to disclose the
95 information required by s. 561.15(2) or (4), the temporary
96 license for transfer, change of location, or change of type of
97 series expires and shall not be extended during any proceeding
98 for administrative or judicial review pursuant to chapter 120.
99 ~~If the fee for the type or series or license applied for is~~
100 ~~greater than the fee for the license then held by the applicant,~~

101 ~~the applicant for such temporary license must pay a fee in the~~
 102 ~~amount of \$100 or one fourth of the difference between the fees,~~
 103 ~~whichever amount is greater. A fee is not required for an~~
 104 ~~application for a temporary license of a type or series for~~
 105 ~~which the fee is the same as or less than the fee for the~~
 106 ~~license then held by the applicant.~~ The holder of a temporary
 107 license under this subsection is subject to the same rights,
 108 privileges, duties, and limitations of a beverage licensee as
 109 are provided by law.

110 Section 4. Paragraph (a) of subsection (2) of section
 111 565.03, Florida Statutes, is amended to read:

112 565.03 License fees; manufacturers, distributors, brokers,
 113 sales agents, and importers of alcoholic beverages; vendor
 114 licenses and fees; distilleries and craft distilleries.-

115 (2) (a) A distillery or a craft distillery authorized to do
 116 business under the Beverage Law shall pay an annual state
 117 license tax for each plant or branch operating in the state, as
 118 follows:

119 1. A distillery ~~if~~ engaged in the business of
 120 manufacturing distilled spirits: ~~a state license tax of~~
 121 \$4,000.

122 2. A craft distillery engaged in the business of
 123 manufacturing distilled spirits: \$1,000.

124 3.2. A person ~~if~~ engaged in the business of rectifying and
 125 blending spirituous liquors and nothing else: ~~a state license~~

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126 | ~~tax of~~ \$4,000.

127 | Section 5. This act shall take effect July 1, 2017.