

CHAPTER 61A-2 GENERAL

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61A-2.002 Bond Requirements.

All bonds required under the beverage law must be bonds of a surety company licensed to do business in the State of Florida and must be filed with and approved by the director. The surety bond form may be obtained by writing to the appropriate district office and requesting DBR form 610A, SURETY BOND, incorporated herein by reference and effective March 15, 1990.

Specific Authority 561.11 FS. Law Implemented 562.25, 561.37, 561.38, 561.051, 561.08, 561.371 FS. History—Formerly 12-19-74, Formerly 7A-2.02, Amended 3-15-90, Formerly 7A-2.002.

61A-2.004 Wine Permits for Religious or Sacramental Purposes.

Permits to purchase wine from a licensed distributor or vendor for religious or sacramental purposes within the State of Florida may be issued upon approval of an application for each purchase by the division.

(1) To obtain a permit from the division for each purchase of wine for religious or sacramental purposes from any licensed distributor or vendor in order to be exempt from all other restrictions, regulations, and taxation included in state law concerning the sale and distribution of wine, applicants shall complete BPR form 44-038, APPLICATION FOR TAX EXEMPT WINE PERMIT, incorporated herein and effective 12-20-94.

(2) This form is available from any of the division's field offices and from the Bureau of Auditing, Tax Collection, Licensing, and Records, located in Tallahassee.

(3) Form BPR 44-038 shall be submitted to any of the division's field offices or the Bureau of Auditing, Tax Collection, Licensing, and Records in Tallahassee for approval.

(4) The division shall refuse to issue a permit for the following reasons:

(a) The request is for malt beverages or spirituous liquors;

(b) The applicant does not affirm under oath that the wine is for a religious order, monastery, church, or religious body;

(c) The applicant does not affirm under oath that the wine will be exclusively used for religious or sacramental purposes;

(d) The application is incomplete;

(e) The application includes incorrect information; or

(f) The applicant has submitted a false application within the last past 5 years.

(5) Licensed distributors will be allowed to deduct excise taxes from the sale of wine to approved permittees for religious or sacramental purposes on their monthly report.

(6) If a permittee elects to purchase wine for religious or sacramental purposes from a licensed vendor, the permittee may apply for a refund of excise taxes from the division within 30 days of the purchase. A request for refund form, BPR AA-4, APPLICATION FOR REFUND FROM THE STATE OF FLORIDA, revised 11-93, incorporated herein by reference, may be obtained from one of the division's field offices or the central office of the Bureau of Auditing, Tax Collection, Licensing, and Records.

Specific Authority 561.11 FS. Law Implemented 564.03 FS. History—Amended 3-22-73, Repromulgated 12-19-74, Formerly 7A-2.04, 7A-2.004, Amended 12-20-94.

61A-2.0081 Revocation with Prejudice to Location.

(1) The division shall deny any application for a permanent or temporary license when the owners of the real estate have been served a Notice to Show Cause which has not been resolved to prohibit a license from being issued to the location for which a license is being requested.

(2) Any action by the division to prohibit the issuance of a license at a location will be based on evidence that the owners of the real estate had knowledge of the violations stated in the Notice to Show Cause served on the licensee operating a licensed premises at the location, and the owners failed to actively pursue any legal action to evict the licensee. The violations occurring at the licensed premises must be a continuing pattern of criminal conduct by the licensee, employees, patrons, or visitors.

(3) Any final order issued by the division to the property owner will clearly state the date on which the location will be qualified for an alcoholic beverage license pursuant to Section 561.58, Florida Statutes, and shall not exceed 2 years from the succeeding license renewal date as fixed by the division following the revocation of the license.

Specific Authority 561.11 FS. Law Implemented 561.58 FS. History—New 8-1-93.

61A-2.009 State Bonded Warehouses.

No alcoholic beverages may be delivered to a state bonded warehouse which were shipped into this state from beyond the limits of the state unless the person for whom the beverages are to be stored is a manufacturer, licensed importer, registered exporter, or licensed distributor of alcoholic beverages. Monthly reports are to be prepared on BPR form 44-150-1 and 44-150-2, WAREHOUSE REPORT, incorporated herein by reference and effective 12-20-94, furnished by the division and submitted to the division in the method described thereon. Each permittee of a state bonded warehouse shall keep records of all beverages received, stored, or delivered within and outside this state for a period of 3 years at the permitted warehouse or other location approved in writing by the division. Records maintained away from the warehouse shall be available for inspection within 10 days of a request by an authorized division employee.

Specific Authority 561.11 FS. Law Implemented 562.25, 561.08 FS. History—Formerly 12-19-74, Formerly 7A-2.09, 7A-2.009, Amended 12-20-94.

61A-2.012 Service of Process; Notices, Subpoenas, Orders, and Citations.

(1) Each licensee under the Beverage Laws of this State shall designate, in writing, at the District Office, the name of an individual residing in this State upon whom service by this Division of any notice, subpoena, order or citation, issued by this Division shall be legally binding on said licensee. Upon failure to so designate such agent, the license shall be deemed to have elected any authorized person in charge of his licensed establishment as the person upon whom said service may be made.

(2) Any notice, order, citation, etc., except subpoenas, which may be lawfully issued and served by this Division upon any licensee, as an alternative procedure to that outlined in the foregoing paragraph, shall be deemed lawfully served or issued when addressed to the licensee at his place of business as shown by the records of the Division, and served through the United States mail, certified, return receipt requested. The return receipt shall be prima facie evidence of service.

Specific Authority 561.11 FS. Law Implemented 561.29 FS. History—New 5-7-68, Repromulgated 12-19-74, Formerly 7A-2.12, 7A-2.012.

61A-2.014 Applications.

The following persons or entities as described below shall file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued:

(1) All individual applicants.

(2) Persons who have a contractual right to manage a licensed premise in return for more than 10 percent of the gross or net proceeds.

(3) Persons who have a contractual right to manage a licensed premise where the contract creates a relationship not meeting all of the criteria of Rule 61A-3.017, Florida Administrative Code.

(4) All general partners of applicant. Limited partners shall be disclosed on the application and are subject to the provisions of subsection (8) of this rule.

(5) All stockholders with an interest in a corporation holding an alcoholic beverage license which is greater than .5 percent except when:

(a) The stock is regularly traded on a national exchange;

(b) The stock is in an insurance company as defined by the Florida Insurance Code;

(c) The stock is in a bank, credit union, or savings and loan association chartered by this state, another state, or by the United States; or

(d) The stock is in a parent corporation owning stock in a corporation holding or seeking to hold an alcoholic beverage license. Any corporation holding stock in the corporation holding or seeking to hold an alcoholic beverage license must, however, be disclosed on the application and is subject to the provisions of subsection (8) of this rule.

(6) All directors or officers of a corporation with an interest in an alcoholic beverage license except when:

(a) The stock of the corporation is regularly traded on a national exchange;

(b) The corporation is an insurance company as defined by the Florida Insurance Code;

(c) The corporation is a bank, credit union, or savings and loan association chartered by this state, another state, or by the United States.

(d) The directors or officers are of a corporation owning stock in a corporation holding or seeking to hold an alcoholic beverage license. Any directors or officers of a corporation owning stock in a corporation holding or seeking to hold an alcoholic beverage license must, however, be disclosed on the application and are subject to the provisions of subsection (8) of this rule.

(7) Officers of clubs applying for or holding alcoholic beverage licenses except for club licenses issued to national fraternal organizations in which case only the official club manager, club steward, or bar manager need be fingerprinted.

(8) Should the division have any articulable suspicion that a person with a direct or indirect interest in an alcoholic beverages license other than described above or who is required to be disclosed on the application has a criminal record precluding licensure in accordance with Section 561.15, Florida Statutes, the division may require that person to supply fingerprints as a condition of licensure or of maintaining the license.

Specific Authority 561.11 FS. Law Implemented 561.15, 561.17, 561.25 FS. History—New 10-20-72, Repromulgated 12-19-74, Formerly 7A-2.14, Amended 4-29-90, Formerly 7A-2.014.

61A-2.018 License Application Report(s).

(1) The Division shall file weekly in each of its district offices, as a public record, a copy of the license application report indicating those license applications filed with the Division district office during that work week.

(2) This file shall be available to the public during normal work hours and without disruption to the office.

Specific Authority 120.53(1)(b), 561.11 FS. Law Implemented 120.53(1)(b), 561.14, 561.17 FS. History—New 3-1-76, Formerly 7A-2.18, 7A-2.018.

61A-2.019 Approved Forms.

The following is a list of all forms currently used by the Division in its dealing with the public. A copy of these forms may be obtained by writing to: Division of Alcoholic Beverages and Tobacco, 725 South Bronough Street, Tallahassee, Florida 32301.

FORM	SUBJECT	EFF. DATE
DBR 605A	Certificate of Credit	Current
DBR 606A	Report of Alcoholic Beverages Shipped to Distributors in State	Current
DBR 607A	Out of State Shipments	Current
DBR 608A	Application to Import Beverages for Personal Consumption	Current
DBR 609A	Permit to Import Alcoholic Beverages into Florida	Current
DBR 610A	Surety Bond for Manufacturer, Distributor or Exporter of Alcoholic Beverages	Current
DBR 611A	Surety Bond for Cigarette Wholesale Dealer, Distributing Agent or Exporter	Current
DBR 614A	Storage Warehouse Surety Bond	Current
DBR 615A-1	Beverage Bid Request	Current
DBR 615A-2	Official Bid Blank	Current
DBR 616A-1	Affirmation Verification	Current
DBR 616A-2	Details of Discount or Allowance	Current
DBR 619A	Temporary Receipt	Current
DBR 620A-1	Distillers Bulk Report	Current
DBR 620A-2	Distillers Bulk Report Summary	Current
DBR 620A-3	Distillers Bulk Report Return to Stock	Current
DBR 620A-4	Distillers Bulk Report Sales in State	Current
DBR 620A-5	Distillers Bulk Report Out of State Sales	Current
DBR 620A-6	Distillers Bulk Report Transfer to Bottling Premises	Current
DBR 620A-7	Distillers Bulk Report Details of Deductions	Current
DBR 621A-1	Distillers Bulk Report Florida Products Affidavit	Current
DBR 621A-2	Distillers Bulk Report Florida Products Summary	Current
DBR 621A-3	Distillers Bulk Report Florida Products	Current

	Returns to Stock	
DBR 621A-4	Distillers Bulk Report Florida Product Sales in State	Current
DBR 621A-5	Distillers Bulk Report Florida Products Out of State	Current
DBR 621A-6	Distillers Bulk Report Florida Products Transfer to Bottling Premises	Current
DBR 621A-7	Distillers Bulk Report Florida Products Details of Deductions	Current
DBR 622A-1	Distiller and/or Rectifier Monthly Report of Bottling Operations	Current
DBR 622A-2	Distiller and/or Rectifier Report of Bottling Operations Summary	Current
DBR 622A-3	Returns to Stock Previously Reported Sold	Current
DBR 622A-4	Sales only within the State	Current
DBR 622A-5	Out of State Sales	Current
DBR 623A-1	Distiller and/or Rectifier Monthly Report of Bottling Operations – Produced in Florida from Florida Products	Current
DBR 623A-2	Distiller and/or Rectifier Monthly Report of Bottling Operations – Produced in Florida from Florida Products – Summary	Current
DBR 623A-3	Returns to Stock Previously Reported Sold – Produced in Florida from Florida Products	Current
DBR 623A-4	Sales only within the State Produced in Florida from Florida Products	Current
DBR 623A-5	Out of State – Produced in Florida from Florida Products	Current
DBR 624A-1	Distillers and Rectifiers Report of Bottling Operations	Current
DBR 624A-2	Distillers and Rectifiers Report of Bottling Operations	Current
DBR 625A-1	Exporter's Monthly Receiving Report	Current
DBR 625A-2	Exporter's Monthly Withdrawal Report	Current
DBR 626A-1	Liquor Wholesale Distributor's Monthly Report – Spirituous Beverages	Current
DBR 626A	For Taxable Liquor Only Summary	Current
DBR 626A-3	For Taxable Liquor Only Details of Other Deductions	Current
DBR 626A-4	For Taxable Liquor Only Details of Purchases in State	Current
DBR 626A-5	For Taxable Liquor Only Details of Purchases Out of State	Current
DBR 626A-6	Details of Sales to Other Distributors – For Taxable Liquor Only	Current
DBR 626A-7	For Taxable Liquor Only Details of Returns to Stock	Current
DBR 626A-8	For Taxable Liquor Only	Current
DBR 626A-9	For Taxable Liquor Only Details of Common Carrier Claims	Current
DBR 627A-3	For Taxable Liquor Only Details of Other Deductions	Current
DBR 627A-4	For Taxable Liquor Only Details of Purchases in State	Current
DBR 627A-5	Details of Purchases Out of State – For Taxable Liquor Only	Current
DBR 627A-6	For Taxable Liquor Only Details of Sales to Other Distributors	Current
DBR 627A-7	For Taxable Liquor Only Details of Returns to	Current

	Stock	
DBR 627A-8	For Taxable Liquor Only Details of Out of State Sales	Current
DBR 627A-9	For Taxable Liquor Only Details of Common Carrier Claims	Current
DBR 628A	Warehouse Report	Current
DBR 629A	Report of Common Carrier	Current
DBR 630A	Report for Railroads, Pullman Company, Boats, Buses & Airplanes	Current
DBR 631A-1	Report of Shipment of Malt Beverages	Current
DBR 631A-2	Report of Wines Shipped into Florida	Current
DBR 631A-3	Report of Spirituous Beverages	Current
DBR 634A	Affirmation Verification Authorization Card	Current
DBR 636A-1	Beer Manufacturers' Monthly Report	Current
DBR 636A-2	Summary of Beer Manufacturers' Monthly Report	Current
DBR 636A-3	Beer Manufacturers' Monthly Report of Returns to Stock	Current
DBR 636A-4	Beer Manufacturers' Monthly Report – Received from Other Breweries	Current
DBR 636A-5	Beer Manufacturers' Monthly Report – Sales to Other Wholesalers in State	Current
DBR 636A-6	Beer Manufacturers' Monthly Report – Sold to Military Installations in Florida	Current
DBR 636A-7	Beer Manufacturers' Monthly Report – Details of Out of State Sales	Current
DBR 636A-8	Beer Manufacturers' Monthly Report – Exported Out of Country	Current
DBR 636A-9	Beer Manufacturers' Monthly Report – Sales to Ships	Current
DBR 636A-10	Beer Manufacturers' Monthly Report – Details of Breakage	Current
DBR 637A-1	Wholesale Distributors Beer Tax Report	Current
DBR 637A	For Taxable Malt Beverages Only Summary	Current
DBR 637A-3	For Taxable Beer Only Details of Other Deductions	Current
DBR 637A-4	For Taxable Beer Only Details of Purchases in State	Current
DBR 637A-5	For Taxable Beer Only Details of Purchases Out of State	Current
DBR 637A-6	For Taxable Beer Only Beer Sales to Other Distributors	Current
DBR 637A-7	For Taxable Beer Only Details of Returns to Stock	Current
DBR 637A-8	For Taxable Beer Only Details of Out of State Sales	Current
DBR 637A-9	For Taxable Beer Only – Details of Common Carrier Claims	Current
DBR 637A-10	For Taxable Beer Only – Details of Sales to Government Stores	Current
DBR 637A-11	Details of Malt Beverages, 3.2% or Less, Sold in Dry Counties	Current
DBR 640A-1	Manufacturers' Monthly Wine Report	Current
DBR 640A-2	For Taxable Wine Manufactured in Florida – Summary	Current
DBR 640A-3	For Taxable Wine Manufactured in Florida – Details of Deductions	Current
DBR 640A-4	Manufactured and Sold in Florida Only – Details of Sales to Other Distributors	Current

DBR 640A-5	For Taxable Wine Manufactured in Florida – Returns to Stock	Current
DBR 640A-6	For Taxable Wine Manufactured in Florida and Sold Outside the State	Current
DBR 641A-1	Wholesale Distributors Wine Tax Report	Current
DBR 641A-2	For Taxable Wine Only – Summary	Current
DBR 641A-3	For Taxable Wine Only – Details of Other Deductions	Current
DBR 641A-4	For Taxable Wine Only – Details of Purchases in State	Current
DBR 641A-5	For Taxable Wine Only – Details of Purchases Out of State	Current
DBR 641A-6	For Taxable Wine Only Details of Sales to Other Distributors	Current
DBR 641A-7	For Taxable Wine Only – Returns to Stock	Current
DBR 641A-8	For Taxable Wine Only – Details of Out of State Sales	Current
DBR 641A-9	For Taxable Wine Only – Details of Common Carrier Claims	Current
DBR 642A-3	Wine Manufactured in Florida from Florida Products – Details of Other Deductions	Current
DBR 642A-4	For Taxable Wine Only – Wine Manufactured in Florida from Florida Products	Current
–	Details of Purchases in State	
DBR 642A-5	For Taxable Wine Only – Details of Purchases Out of State	Current
DBR 642A-6	For Taxable Wine Only – Details of Sales to Other Distributors	Current
DBR 642A-7	For Taxable Wine Only – Details of returns to stock	Current
DBR 642A-8	For Taxable Wine Only – Details of Out of State Sales	Current
DBR 642A-9	For Taxable Wine Only – Details of Common Carrier Claims	Current
DBR 643A-1	Summary of Bulk Wine Bottled	Current
DBR 643A-2	Wine Bottled in Florida Details of Bulk Wine Purchased	Current
DBR 643A-3	Wine Bottled in Florida Details of Bulk Wine Bottled	Current
DBR 644A	Application for Permit to Purchase Sacramental Wines	Current
DBR 645A	Permit for Sacramental Wines	Current
DBR 648A	Certificate for Breakage and/or Spoilage of Alcoholic Beverages	Current
DBR 650A-1	Cigarette Distributing Agents Report	Current
DBR 650A-2	Cigarette Distributing Agents Report – Details of Cigarettes Received	Current
DBR 650A-3	Cigarette Distributing Agents Report – Details of Shipments or Deliveries within State of Florida	Current
DBR 650A-4	Cigarette Distributing Agents Report – Details of Cigarettes Shipped Out of State	Current
DBR 651A-1	Common Carriers' Monthly Report of Cigarettes Refused, Short, Lost or Stolen	Current
DBR 651A-2	Common Carriers' Monthly Report of Cigarettes	Current
DBR 651A-3	Common Carriers' Monthly Report of Cigarettes – Schedule "A"	Current

DBR 651A-4	Common Carriers' Monthly Report of Cigarettes – Schedule "B"	Current
DBR 651A-5	Common Carriers' Monthly Report of Cigarettes – Schedule "C"	Current
DBR 651A-6	Common Carriers' Monthly Report of Cigarettes – Schedule "X"	Current
DBR 652A-1	Cigarette Wholesale Dealers' Report	Current
DBR 652A-2	Cigarette Wholesale Dealer's Report	Current
DBR 652A-3	Schedule of Stamp Purchases and Meter Settings – Purchases Paid For in Cash on Delivery	Current
DBR 652A-4	Schedule of Stamp Purchases and Meter Settings – Charge in Lieu of Payment	Current
DBR 652A-5	Cigarette Wholesale Dealer's Report – Schedule A	Current
DBR 652A-6	Cigarette Wholesale Dealer's Report – Schedule B	Current
DBR 652A-7	Cigarette Wholesale Dealer's Report – Schedule F	Current
DBR 652A-8	Cigarette Wholesale Dealer's Report – Schedule J	Current
DBR 652A-9	Cigarette Wholesale Dealer's Report – Schedule G	Current
DBR 652A-10	Schedule H – Sales to Armed Forces	Current
DBR 652A-11	Cigarette Wholesale Dealer's Report – Schedule D – Sold in County Areas	Current
DBR 652A-11b	Cigarette Wholesale Dealer's Report – Schedule D – Sold in County Areas for "ODD" Sizes Only	Current
DBR 652A-12	Cigarette Wholesale Dealer's Report – Schedule C – Returns to Stock	Current
DBR 652A-13	Cigarette Wholesale Dealer's Report Schedule K – Miscellaneous Disposition Entries	Current
DBR 652A-14	Cigarette Wholesale Dealer's Report Schedule L – Sales to Indian Reservations	Current
DBR 653A	Disposition of Sample Cigarettes Put on Aircraft in Florida for Disposition while in Flight Outside the State of Florida	Current
DBR 654A-1	Cigarette Exporter's Report	Current
DBR 654A-2	Details of Cigarettes Received from Manufacturers	Current
DBR 654A-3	Details of Cigarettes Received from Others	Current
DBR 654A-4	Details of Withdrawals for Export	Current
DBR 654A-5	Details of Other Tax Exempt Withdrawals	Current
DBR 654A-6	Details of Taxable Withdrawals	Current
DBR 655A	Non-Resident Agent's Monthly Report	Current
DBR 656A	Monthly Report of Cigarette Sales	Current
DBR 657A	Manufacturers' Monthly Report Reflecting Disposition of Sample Cigarettes	Current
DBR 661A	ID Sticker for Vending Machines	Current
DBR 661A-2	Application for Identification Decals or Notification of Changes in Vending Machine Locations	Current
DBR 663A	Signature Card	Current
DBR 665A	Requisition for Cigarette Meter Units	Current
DBR 666A	Requisition for Cigarette Tax Stamps	Current
DBR 667A	Requisition for Cigarette Meter Units – Charge in Lieu of Payment	Current
DBR 668A	Requisition for Cigarette Tax Stamps –	Current

	Charge in Lieu of Payment	
DBR 677A	Certificate of Stamp Destruction	Current
DBR 678A	Application for Refund of Cigarette Meter Imprints and/or Stamps	Current
DBR 686A	Cigarette Inventory	Current
DBR 692A	Discrepancy Letter	Current
DBR 693A	Retail Location Verification Letter	Current
DBR 696A	Registration Form – Jenkins Act	Current
DBR 700L	New Alcoholic Beverage License Application	Current
DBR 701L	Application for Transfer	Current
DBR 702L	Application for Additional License, Change of Location, Increase in Series, Decrease in Series, One Day Permit, Temporary Permit, Other	Current
DBR 706L	Special Restaurant Affidavit	Current
DBR 707L	Hotel-Motel-Motor Court Affidavit	Current
DBR 708L	Abandonment Affidavit	Current
DBR 710L	Personal Questionnaire Application for Alcoholic Beverage License or Cigarette Permit	Current
DBR 711L	Request for Change of Business Name, Change of Mailing Address	Current
DBR 715L	Off-Premises Storage Permit	Current
DBR 717L	Application for Licensed Liquor Salesman	Current
DBR 718L	Application for Renewal of Salesman License	Current
DBR 721L	Application for Delinquent Renewal of Beverage License	Current
DBR 723A-L	Notice	Current
DBR 723L	Alcoholic Beverage License	Current
DBR 724L	Application for Vehicle Permit	Current
DBR 725L	Application Disapproval Letter	Current
DBR 727L	Application for Individual Brand Registration	Current
DBR 728L	Florida State Brand Registration License	Current
DBR 729L	Application for Railroad, Boats, Airplanes, etc.	Current
DBR 731L	Delinquent List From Distributor Notice	Current
DBR 732L	Delinquent List Release	Current
DBR 734L	Fingerprint Affidavit	Current
DBR 736L	Common Carrier License	Current
DBR 738L	Liquor Salesman License	Current
DBR 739L	Mortgagee's Interest in Spirituous Alcoholic Beverage License	Current
DBR 740L	Cigarette Permit	Current
DBR 742L	Cigarette Application – Change Location, Change of Business Name	Current
DBR 744L	Application for Wholesaler's, Distributing Agent's, or Exporter's Cigarette Permit	Current
DBR 747L	Preliminary Application for New Quota Alcoholic Beverage License	Current
DBR 750L	Sketch	Current
DBR 751L	Certificate (Reverter Affidavit)	Current
DBR 752L	License Issuance Request	Current
DBR 759L	Certificate of Incumbency and Declaration of Stock Ownership	Current
DBR 761L	Applicant Instruction & Progress Docket	Current
DBR 764L	Temporary Beverage License	Current
DBR 766L	Post Card (C.O.D.) Delinquent	Current
DBR 769L	Delinquent Post Card	Current
DBR 770L	Special Bowling Alley Affidavit	Current
DBR 771L	Tennis Club Affidavit	Current

DBR 772L	Club-Golf Course Affidavit	Current
DBR 773L	Notice to License – Delinquent List	Current
DBR 775L	Vehicle Decal	Current
DBR 778L	Application for Primary American Source Registration	Current
DBR 782L	Letter Requesting Criminal Record	Current
DBR 783L	Zoning, Health, Sales Tax, Right of Occupancy	Current
DBR 801E	Official Notice (Citation)	Current
DBR 823E	Suspension Sign	Current
DBR 826E	Subpoena Duces Tecum (Production of Records Only)	Current
DBR 827E	Subpoena (Taking of Depositions)	Current
DBR 828E	Subpoena Duces Tecum (Taking of Depositions)	Current
DBR 840E	Applicant Background Form	Current
DBR 847E	Consent to Search	Current
DBR 960	Notice to Show Cause – Notice of Informal Conference	Current
DBR 961	Notice of Informal Conference Right to A Hearing	Current
DBR 966	Witness Subpoena	Current

Specific Authority 120.53(1)(b) FS. Law Implemented 120.53 FS. History—New 11-19-81, Formerly 7A-2.19, 7A-2.019.

61A-2.022 Penalty Guidelines.

(1) This rule sets for the penalty guidelines which shall be imposed upon alcoholic beverage licensees and permittees who are supervised by the division. District supervisors, audit supervisors, and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties provided below are based upon a single violation which the licensee committed or knew about; or a pattern of at least three violations on different dates within a 12-week period by employees, independent contractors, agents, or patrons on the licensed premises or in the scope of employment in which the licensee did not participate; or violations which were occurring in an open and notorious manner on the licensed premises.

(2) Businesses and non-profit charitable organizations issued alcoholic beverage licenses, permits, and brand registrations by the division are subject to discipline (warnings, corrective action, civil penalties, suspensions, revocations, reimbursement of cost, and forfeiture).

(3) The penalties for repetitive unlawful conduct shall be based on the same violations occurring within 36 months of the date of the first administrative proceeding notice.

(4) All stipulations accepted by the division shall include a written statement that the violation has been corrected and a written plan to prevent additional violations of the same law. All violations cited in the administrative action shall be corrected before any stipulation will be accepted by the division. All proceedings involving violations of Sections 562.11, 569.003, 569.005, 569.007, 859.06, and 859.061, Florida Statutes, and Chapter 893, Florida Statutes, must include an affirmation of compliance with Florida's Responsible Vendor-Dealer Acts (Sections 561.701 through 561.706, and 569.008, Florida Statutes) as a part of the prevention plan required as an attachment to stipulations offered in settlement.

(5) All stipulations offering lower penalties than the guidelines must be approved by the director and shall include a written statement of mitigation in addition to the statement of correction and prevention plan required in subsection (4) of this rule.

(6) Reimbursement of cost shall include those expenses of each participating government agency involved in the investigation of the licensed premises. Expenses shall be limited to overtime, per diem, equipment and property rental, evidence purchased, supplies purchased, and other purchases directly related to conducting the investigation. The division shall keep and maintain an accurate log with receipts of expenses related to investigations of licensed premises. No reimbursement will be required if the total expenses are less than \$25.

(7) All civil penalties may be substituted with license or permit suspensions using the ratio of 1 day for each \$50; for example, a licensee could offer a 5-day license suspension instead of a \$250 civil penalty. No required suspensions may be substituted with civil penalties unless approved by the director.

(8) Licensees or permittees who violate the accepted stipulation agreement or final order shall be issued a new administrative action under the same case number for failing to comply with the stipulation or final order which will be considered a separate violation of state law and the penalty for the violation cited will double.

(9) No stipulation or order may exceed \$1,000 for violations arising out of a single transaction.

(10) Licensees may petition the division to amend any stipulation or final order by sending the petition to the Director, Division of Alcoholic Beverages and Tobacco, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1020. Petitions filed shall not automatically stay any effective dates in the stipulation or order unless the director authorizes the stay or amendment requested in the petition.

(11) The penalty guidelines set forth in the table that follows are intended to provide field offices and licensees or permittees with penalties that will be routinely imposed by the division for violations. The description of the violation in the table is intended to provide a brief description and not a complete statement of the statute.

SEE FLORIDA ADMINISTRATIVE CODE FOR “TABLE”

Specific Authority 561.11 FS. Law Implemented 120.57, 409.2598, 559.79(3), 561.29, 561.501(5), 939.01 FS., as created by chapter 93-134, Laws of Florida. History—New 2-28-94.