

CHAPTER 61A-5 APPLICATIONS, FORMS, AND REQUIREMENTS

61A-5.001	Obtaining of Forms.
61A-5.010	Completed Application.
61A-5.0105	Beverage Licenses, New Quota Issue.
61A-5.011	Completed Application for the Grant of a New Quota Liquor License.
61A-5.056	Application for Retail Tobacco Products Dealer Permit.
61A-5.057	Application for Quota License Filed Before October 1, 1992. (Repealed)
61A-5.700	Application for Alcoholic Beverage License.
61A-5.701	Application for the Grant of a New Quota Liquor License. (Repealed)
61A-5.708	License Cancellation Request.
61A-5.710	Personal Questionnaire.
61A-5.747	Preliminary Application for a New Quota Alcoholic Beverage License.
61A-5.761	List of License Application Requirements.
61A-5.787	Application for Transfer of the Notice of Selection for a New Quota Alcoholic Beverage License. (Repealed)

61A-5.001 Obtaining of Forms.

Any form which is authorized for use or which is required by the Division of Alcoholic Beverages and Tobacco may be obtained by request from the division field office serving the local area of interest or by writing to the division as follows:

Division of Alcoholic Beverages and Tobacco
725 South Bronough Street
Tallahassee, Florida 32399-1021

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11 FS. History—New 2-16-89, Formerly 7A-5.001.

61A-5.0105 Beverage Licenses, New Quota Issue.

The division will follow the below listed procedures when entry forms are accepted for issuance of new state liquor licenses authorized by Florida Law, when they become available by reason of an increase in the population of a county or city, or a county voting to permit the sale of intoxicating beverages when such sale had previously been prohibited:

(1) The application period for each quota alcoholic beverage drawing shall begin on the third Monday in August of each year issuance of quota alcoholic beverage licenses has been authorized, and last 90 days. The division shall publish legal notices in newspapers of general circulation within the counties in which licenses become available and the Florida Administrative Weekly. In the event there is no newspaper of general circulation in the county where a new liquor license is authorized, the alternative posting procedure, found in Section 49.11, F.S., shall be used. Each legal notice published will include the deadline for filing applications, the number of licenses available for issuance in each county or city, and the location of the division's office where applications may be obtained and filed.

(2) All persons seeking to apply for a new license shall file DBPR form ABT 4000-033L, Quota License Entry Form, effective 1/98 and incorporated herein, together with the non-refundable filing fee stated on the form. The entry form shall be delivered to the division or postmarked on or before the final date, set forth in the legal notice, and shall be date stamped by the division on the date the form is received. Forms not complete, not signed, or not accompanied by the required non-refundable filing fee shall be returned to the applicant's mailing address by regular mail. Applicants shall not be granted extensions for filing applications except by petition showing good cause and no negligence by the applicant.

(3) A list of all applicants selected may be obtained from any of the division's offices.

(4) The division shall notify those applicants who are selected as a result of the double random selection drawing by certified mail. Such notification will be sent to the mailing address listed on the entry form or subsequently filed with the division. It shall be the applicant's responsibility to maintain a correct mailing address with the division.

(5) All applicants selected for licenses shall file a completed application, referenced in Rule 61A-5.010, F.A.C. Failure to file a completed application package within 45 days of the date of the selection notice, shall result in the denial of the application filed.

(6) When any application has been disapproved and all hearings and appeals, pursuant to Sections 120.57 and 561.19(5), F.S., have been completed, the division shall notify the next person in order of priority from the random drawing by certified mail of their opportunity to obtain an available license in accordance with the procedures for notifying the originally selected parties. The division shall follow such procedure until all available licenses have been awarded.

(7) Any person or persons who have been selected for licenses shall not be prohibited from having the license issued in the name of a corporation, or other legal entity, if 100% of the business is owned by the person or persons listed on the winning entry form for inclusion in the drawing.

(8) For the purposes of this section, "more than one applicant" shall mean that an applicant may have a direct or indirect interest in only one application in each county or city for which a license is available, but may file separate entry forms for licenses in different counties or cities for an opportunity to obtain an available license.

(9) For the purposes of this section, "method of double random selection by public drawing" shall mean a computer program which determines the order of selection for the director as prescribed in Section 561.19(2)(a), F.S.

(10) Notwithstanding subsection (2) above, persons applying for the application period beginning April 1, 1998 through June 29, 1998, shall use Form ABT 4000-999L, Quota License Entry Form, effective 10/16/97 and incorporated herein.

Specific Authority 561.11 FS. Law Implemented 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS. History—New 1-20-97, Amended 1-8-98.

61A-5.010 Completed Application.

The term "completed application" as used herein is defined to describe the requirements by which the division will accept any application for a temporary or permanent alcoholic beverage license. The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.

(1) A completed application shall include the following:

(a) The DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE, incorporated herein by reference and effective 2-16-89, must be complete and requirements furnished in accordance with the DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS, incorporated herein by reference and effective 2-16-89. Any agreements or financial documentation which are required as attachments as a result of the completion of Section III of the DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE must also be furnished.

(b) A DBR form 710L, PERSONAL QUESTIONNAIRE, incorporated herein by reference and effective 2-16-89 must be completed by all applicants and persons directly connected with the business sought to be licensed.

(c) A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought.

(d) The processing fee for each set of fingerprints submitted with the application.

(2) Applicants for the following types of licenses will be required to provide or complete the following additional documents:

(a) An applicant for a new issuance of a quota liquor license shall provide a right of occupancy to the specified location in the application. Right of occupancy includes, but is not limited to, a lease agreement, a rental contract, a sublease, a warranty deed or any documentation that in a court of law would establish an applicant's right to occupy the premise sought to be licensed.

(b) An applicant for a transfer of a quota liquor license shall provide records of gross sales for the past 3 years or for the period of time current licensee has held license in order that the division may compute the transfer fee. An applicant may, in lieu of providing these records, elect to pay the applicable transfer fee as provided by general law.

(c) An applicant for a club license shall provide:

1. The club by-laws;
2. The club charter; and
3. The articles of incorporation.

(d) An applicant for a special pleasure or excursion boat license shall provide a Certificate of Documentation and a Certificate of Inspection from the Coast Guard showing the boat has a capacity for at least 125 passengers.

(e) An applicant for a new or transfer license to be issued at a location where a current license exists shall provide:

1. A DBR form 708L, LICENSE CANCELLATION REQUEST, incorporated herein by reference and effective 2-16-89; or
2. A cancellation request in writing for the current license executed by the licensee of record.

(f) An applicant for a distributors or manufacturers license shall provide a surety bond as required by general law.

(3) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) FS. History—New 2-16-89, Formerly 7A-5.010.

61A-5.011 Completed Application for the Grant of a New Quota Liquor License.

The term "completed application" as used herein is defined to describe the requirements by which the division will accept an application for the grant of a New Quota Liquor License. The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.

(1) A completed application shall include the following:

(a) The DBR form 701L, APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE, incorporated herein by reference and effective 2-16-89, pages (1) and (2);

(b) The DBR form 710L, APPLICATION FOR THE GRANT OF A NEW QUOTA LIQUOR LICENSE, pages (3) and (4) for each individual listed on pages (1) and (2) of the application;

(c) A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought; and,

(d) The processing fee for each set of fingerprints submitted with the application.

(2) Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11, 561.18, 561.19, 561.20 FS. History--New 2-16-89, Formerly 7A-5.011.

61A-5.056 Application for Retail Tobacco Products Dealer Permit.

(1) In order to be permitted as a Retail Tobacco Products Dealer or make changes to an existing permit, one of the following must be completed and filed with the division by the applicant or permittee:

(a) File for a permit or change thereto using form DBR 42-056, Application for Retail Tobacco Products Dealer Permit incorporated herein by reference and effective December 20, 1992 or;

(b) File for a permit or make changes thereto and simultaneously file for an alcoholic beverage license by using form DBR 42-001, Application for Alcoholic Beverage License, Cigarette Wholesale Dealer, or Retail Tobacco Products Dealer Permit, as referenced in Rule 61A-5.700 or;

(c) File for multiple permits or make changes thereto by using form DBR 42-056 and form DBR 42-057, Short Form Application for Tobacco Products Dealer Permit(s), incorporated herein by reference and effective December 20, 1992.

(2) The fee for a new Retail Tobacco Products Dealer permit shall be \$50. The fee must accompany the permit application DBR 42-056 or DBR 42-057, which is submitted to the division. Applicants filing simultaneously for an alcoholic beverage license and a retail tobacco products dealer permit on form DBR 42-001 will submit the fee after the application has been approved by the central office in Tallahassee. A notice of approval and fee payment due will be sent to the applicant for the alcoholic beverage license and the Retail Tobacco Products Dealer permit.

(3) The terms "place of business", "place", "the premises", "location", "single location" and "permitted premises" are synonymous. Place of business is defined as rooms where tobacco products are stored or sold or kept for the purpose of sale or consumption.

(a) Where sales of tobacco products are conducted through a vending machine, the premises shall include the place where the vending machine is located and any such vending machine including the area within the unobstructed line of sight of the dealer, the dealer's agent or employee responsible for preventing sales to persons under 18 years of age.

(b) Where sales of tobacco products are conducted from a cart or person moving about the place of business, the premises shall include any such conveyance.

(c) A theme park complex, a hotel or resort complex, a stadium, an airport facility and the like will be considered a "single location" when all buildings or structures are owned, managed, controlled or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(d) Itinerant stores, industrial caterers, trains, steamships and similar vehicles and vessels may be permitted for the retail sale of tobacco products with the vehicle or vessel being designated as the place of business. In any such case, the location address shall be the office or homeport address in this state where the vehicle or vessel is domiciled.

(4) The permit year for a Retail Tobacco Products Dealer permit shall be from January 15 through the following January 15 of each year and shall not be pro rated except as follows:

(a) The division shall establish a process whereby the permit year for a Retail Tobacco Products Dealer permit shall be changed in order that the alcoholic beverage license and the tobacco permit may be renewed simultaneously.

(b) A person who is both an alcoholic beverage licensee and a Retail Tobacco Products Dealer permittee will have a permit year commensurate with the alcoholic beverage license year as follows:

1. The initial issuance of a new permit to be valid on or after January 15, 1993 shall be issued at a pro rata fee of \$12.50 to be valid through March 31, 1993 or at a pro rata fee of \$37.50 to be valid through September 30, 1993, depending on the area wherein the Retail Tobacco Products Dealer's alcoholic beverage license is located.

2. Thereafter, the permit will be renewed at a full year fee and the permit year shall be either April 1 through March 31, or October 1 through September 30 commensurate with the license year of the alcoholic beverage license.

(5) A Retail Tobacco Products Dealer permit may not be transferred to a new owner. Such permit may change location after an application has been filed with the division and after the application has been approved and a new permit issued. There shall be no fee to change the location of a retail tobacco products permit.

(6) The division shall issue at the request of the applicant a temporary Tobacco Products Dealer Permit whenever an applicant is also filing for a temporary alcoholic beverage license of any kind. There shall be no additional fee for the issuance of a temporary Tobacco Products Dealer Permit.

(7) If a permit is lost or destroyed, a retail tobacco products permittee may apply to the division for the issuance of a duplicate permit. This shall be in affidavit form, advising that the permit has been lost or destroyed accompanied by a payment of a \$15 fee.

(8) The division shall assess delinquent renewal penalties on permittees who fail to timely renew their permits. The division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the division prior to the permit being renewed.

Specific Authority Chapter 92-285, Laws of Florida. Law Implemented Chapter 92-285, Laws of Florida. History–New 12-20-92, Formerly 7A-5.056.

61A-5.700 Application for Alcoholic Beverage License.

(1) Any applicant for the issuance of an alcoholic beverage license must use DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE, referenced in Rule 61A-5.010. The application form is used for the following types of beverage license applications:

- (a) New;
- (b) New-Temporary;
- (c) Transfer;
- (d) Transfer-Temporary;
- (e) Increase in Series;
- (f) Decrease in Series;
- (g) Change in Series;
- (h) Change of Location;
- (i) Change of Location-Temporary;
- (j) Change of Business Name;
- (k) Change of Officer;
- (l) Correction of Information; and,
- (m) Other – Miscellaneous Changes.

(2) The information as requested on the application by the division may not be deleted or changed by an applicant. Answers to the questions on the application that are changed in any manner must be initialed and dated by the applicant.

Specific Authority 561.11, 561.08 FS. Law Implemented 561.08, 561.11, 561.17, 561.181, 561.19, 561.32, 561.33, 561.331 FS. History–New 2-16-89, Formerly 7A-5.700.

61A-5.708 License Cancellation Request.

Unless specifically authorized by statute, the division may not issue more than one alcoholic beverage license to a location. A property owner or his agent may use DBR form 708L, LICENSE CANCELLATION REQUEST, referenced in Rule 61A-5.010, to request cancellation of an alcoholic beverage license when the current licensee has been evicted or has abandoned the premises and the premises has been rented or leased to a new tenant. The form is filed in duplicate and must be signed by the property owner or his agent.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.01(11), 561.17 FS. History–New 2-16-89, Formerly 7A-5.708.

61A-5.710 Personal Questionnaire.

The DBR form 710L, PERSONAL QUESTIONNAIRE, referenced in Rule 61A-5.010, is part of an application for an alcoholic beverage license. The form is to be completed by applicants or persons who have a direct interest in a business for which a license is sought. The form is used by the division to provide background information for investigative leads to determine whether the individual meets all qualifications. The DBR form 710L, PERSONAL QUESTIONNAIRE, is filed in duplicate when required by the division and the signature must be notarized.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.15, 561.17, 561.18, 561.22, 561.25, 561.42 FS. History–New 2-16-89, Formerly 7A-5.710.

61A-5.747 Preliminary Application for a New Quota Alcoholic Beverage License.

(1) DBR form 42-033, PRELIMINARY APPLICATION FOR A NEW QUOTA ALCOHOLIC BEVERAGE LICENSE, incorporated herein by reference and effective 5-24-92, must be used by an applicant to gain entry into a quota license drawing.

(2) The information contained in the form must be sworn to and must be completed by all parties listed on the application.

(3) The division will only accept applications for filing which are complete. A complete application includes the payment required to enter the drawing. Incomplete applications delivered to the division will be returned with the application fee to the applicant with a letter advising the reason the application is being returned.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.17, 561.19, 561.20 FS. History–New 3-6-90, Amended 6-28-90, 5-24-92, Formerly 7A-5.747.

61A-5.761 List of License Application Requirements.

Any applicant seeking a license or permit from the division may request an appointment from the local division office serving the applicants' area of interest to obtain the forms and instructions necessary to file an application. The DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS, referenced in Rule 61A-5.010, is a means by which proper forms and instructions can be given to an applicant for a specific type of license or permit.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11 FS. History—New 2-16-89, Formerly 7A-5.761.