

## Committee Substitute for House Bill No. 4011

An act relating to the Florida Statutes; repealing or deleting various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; amending s. 210.10, F.S., relating to general powers of the Division of Alcoholic Beverages and Tobacco; correcting an obsolete cross reference; amending ss. 210.151, 210.1605, 210.405, and 210.51, F.S.; revising provisions relating to initial temporary permits and renewal of permits to separate provisions relating solely to cigarettes from those relating to other tobacco products; correcting terminology; repealing s. 550.72, F.S., relating to a feasibility study of state or municipal ownership of Hialeah Park; amending s. 552.093, F.S.; deleting a provision that allowed persons holding a valid explosives license or permit for the period 1976-1977 to be issued a license or permit without taking a competency examination; providing an effective date.

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

Section 1. Subsection (2) of section 210.10, Florida Statutes, is amended to read:

210.10 General powers of the Division of Alcoholic Beverages and Tobacco.—

(2) The division and all officers and employees under this part shall, in the administration thereof and in the administration of the State Beverage Law, have all the authority and power vested in officers and employees of the division as provided by s. ~~20.165(9)~~ 561.07, and such power and authority is hereby conferred upon the division and all officers and employees under this part with respect to the administration of this part and also with respect to the administration of the Beverage Law.

Section 2. Section 210.151, Florida Statutes, is amended to read:

210.151 Initial temporary cigarette ~~and other tobacco products~~ permits.—When a person has filed a completed application which does not on its face disclose any reason for denying a cigarette permit under s. 210.15, ~~or other tobacco products permit under s. 210.40~~, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation shall issue a temporary initial permit of the same type and series for which the application has been submitted, which is valid for all purposes under this chapter.

(1) A temporary initial permit shall be valid for up to 90 days and may be extended by the division for up to an additional 90 days for good cause. The division may at any time during such period grant or deny the permit applied for, notwithstanding s. 120.60.

(2) A temporary initial permit expires and may not be continued or extended beyond the date the division denies the permit applied for; beyond 14 days after the date the division approves the permit applied for; beyond the date the applicant pays the permit fee and the division issues the permit applied for; or beyond the date the temporary permit otherwise expires by law, whichever date occurs first.

(3) Each applicant seeking a temporary initial cigarette permit shall pay to the division for such permit a fee of \$100. ~~Each applicant seeking a temporary initial permit for other tobacco products shall pay to the division for such permit a fee of \$25.~~

(4) Any fee or penalty collected under the provisions of this section ~~act~~ shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund.

Section 3. Subsection (2) of section 210.1605, Florida Statutes, is amended to read:

210.1605 Renewal of permit.—

(2) Any fee or penalty collected under the provisions of this section ~~act~~ shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund.

Section 4. Section 210.405, Florida Statutes, is amended to read:

210.405 Initial temporary permits for ~~permits.~~ ~~and other tobacco products permit~~ under s. 210.15, or other tobacco products permit under s. 210.40, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation shall issue a temporary initial permit of the same type and series for which the application has been submitted, which is valid for all purposes under this chapter.

(1) A temporary initial permit shall be valid for up to 90 days and may be extended by the division for up to an additional 90 days for good cause. The division may at any time during such period grant or deny the permit applied for, notwithstanding s. 120.60.

(2) A temporary initial permit expires and may not be continued or extended beyond the date the division denies the permit applied for; beyond 14 days after the date the division approves the permit applied for; beyond the date the applicant pays the permit fee and the division issues the permit applied for; or beyond the date the temporary permit otherwise expires by law, whichever date occurs first.

(3) ~~Each applicant seeking a temporary initial cigarette permit shall pay to the division for such permit a fee of \$100.~~ Each applicant seeking a temporary initial permit for other tobacco products shall pay to the division for such permit a fee of \$25.

(4) Any fee or penalty collected under the provisions of this section ~~act~~ shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund.

Section 5. Subsection (2) of section 210.51, Florida Statutes, is amended to read:

210.51 Renewal of permit.—

(2) Any fee or penalty collected under the provisions of this section act shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund.

Section 6. Section 550.72, Florida Statutes, is repealed.

Section 7. Subsections (2) and (3) of section 552.093, Florida Statutes, are amended to read:

552.093 Competency examinations required; ~~exceptions.~~—

~~(2) Any licensee or permittee who possesses, on October 1, 1977, a valid license or permit for the period 1976-1977 shall, upon proper application, be issued a license or permit without being required to submit to an examination of competency.~~ Any licensee or permittee who allows his or her license to lapse or whose license or permit is suspended or revoked shall be required to submit to and satisfactorily pass an examination prior to issuance of a license or permit.

(3) ~~Each applicant required to submit to a competency examination~~ shall be required to pay an examination fee of \$30 upon application for the required license or permit, which fee shall apply to one scheduled examination attempt. Such fee shall not be refundable in the event the applicant does not appear for examination or does not successfully pass the examination. If the applicant does not appear for examination or does not successfully pass the examination, the applicant shall submit an additional \$30 fee for each examination scheduled.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 19, 2000.

Filed in Office Secretary of State June 19, 2000.