

IS YOUR BUSINESS LICENSE UP-TO-DATE?

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Basic Knowledge

License maintenance cannot be overlooked; a license maintenance failure has monetary and license suspension/cancellation risks. Alcohol beverage licensees are responsible for keeping license records current with federal, state, and local agencies. These license maintenance responsibilities include reporting changes in ownership, officers, directors, and principals, diagrams defining the licensed premises, and the licensed premise's physical address and mailing address.

Under the Federal Alcohol Administration Act, federal permits, including Wholesaler's Basic Permits and Importer's Basic Permits, may be cancelled if any disclosed position changes are not reported to the Alcohol and Tobacco Tax and Trade Bureau ("TTB") within thirty (30) days of the change effective date. Past TTB enforcement actions have resulted in multi-million dollar offers in compromise for a permittee's failure to file mandated changes to the federal permit within the 30-day time frame.

If you find your business is not in compliance with this federal law, you are encouraged to seek counsel to determine the best route to address the delinquent filing and avoid permit suspension or cancellation.

Every License/Permit Is Unique

Florida licensees have a similar responsibility to keep their license files current. Existing licensees are required to report all changes in officers, stockholders and corporate name. Some license changes may require Department of Revenue clearance, personal questionnaires, finger-

print cards, registration of the legal entity, and surety bonds.

The Florida Division of Alcoholic Beverages & Tobacco ("the Division") requires extensive disclosures of all new partners, officers, directors, and stockholders of the licensee, and other individuals with sufficient ownership interests. License-related issues may arise when a license is sold and the new partners, officers, directors, and stockholders of the licensee are not disclosed or approved by the Division. The Division must approve all transfers of Florida alcohol beverage licenses.

All federal, state, and local license holders are responsible for updating their license(s) to reflect any changes made relating to the license, in a timely manner as prescribed by the relevant law or administrative rule. It is imperative that licensed entities regularly verify that its federal, state, and local licenses and permits are current with all entity-related officer, director, ownership, address, trade name, and any other mandated information. Further, it is prudent that entity changes are not finalized until the appropriate license or permit amendment application has been timely filed.

If you have any questions about required license or permit update filings, you should seek alcohol-licensing counsel qualified to handle your particular license or permit.

What's Your Renewal Deadline?

It may be easy to overlook the renewal of Florida alcohol beverage and tobacco licenses and permits, but renewal deadlines should be top of mind for all licensed Florida businesses.

Florida alcohol beverage license renewals are divided into two license expiration groups. Generally, the south/west counties renew on or before March 31st each year, and the central/north counties renew on or before September 30th each year. Licensees should record all Florida license issuance dates, expiration dates, and renewal deadlines. Further, licensees should regularly review its Florida alcohol beverage and tobacco licenses and permits to ensure its licenses/permits are active and internal licensure records are accurately maintained.

If your licensed business fails to renew its state license or permit, your licensed business may be able to renew the delinquent license or permit during a 60-day window following the renewal deadline. Otherwise, the Division may issue an order cancelling the delinquent license or permit; thus, requiring your business to reapply for a new Florida license or permit.

All Florida licensees are entitled to due process, and the Division is required to serve notice of the intent to cancel the delinquent license or permit on the basis of failing to timely renew. Florida licensees should verify that its licenses and permits are currently valid and schedule timely renewal of its Florida licenses and permits in order to avoid costly consequences. ■

We Welcome Your Email Questions.
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This Florida Law column is not designed to give specific legal advice, we suggest you consult with an attorney familiar with hospitality laws regarding issues pertaining to your business.