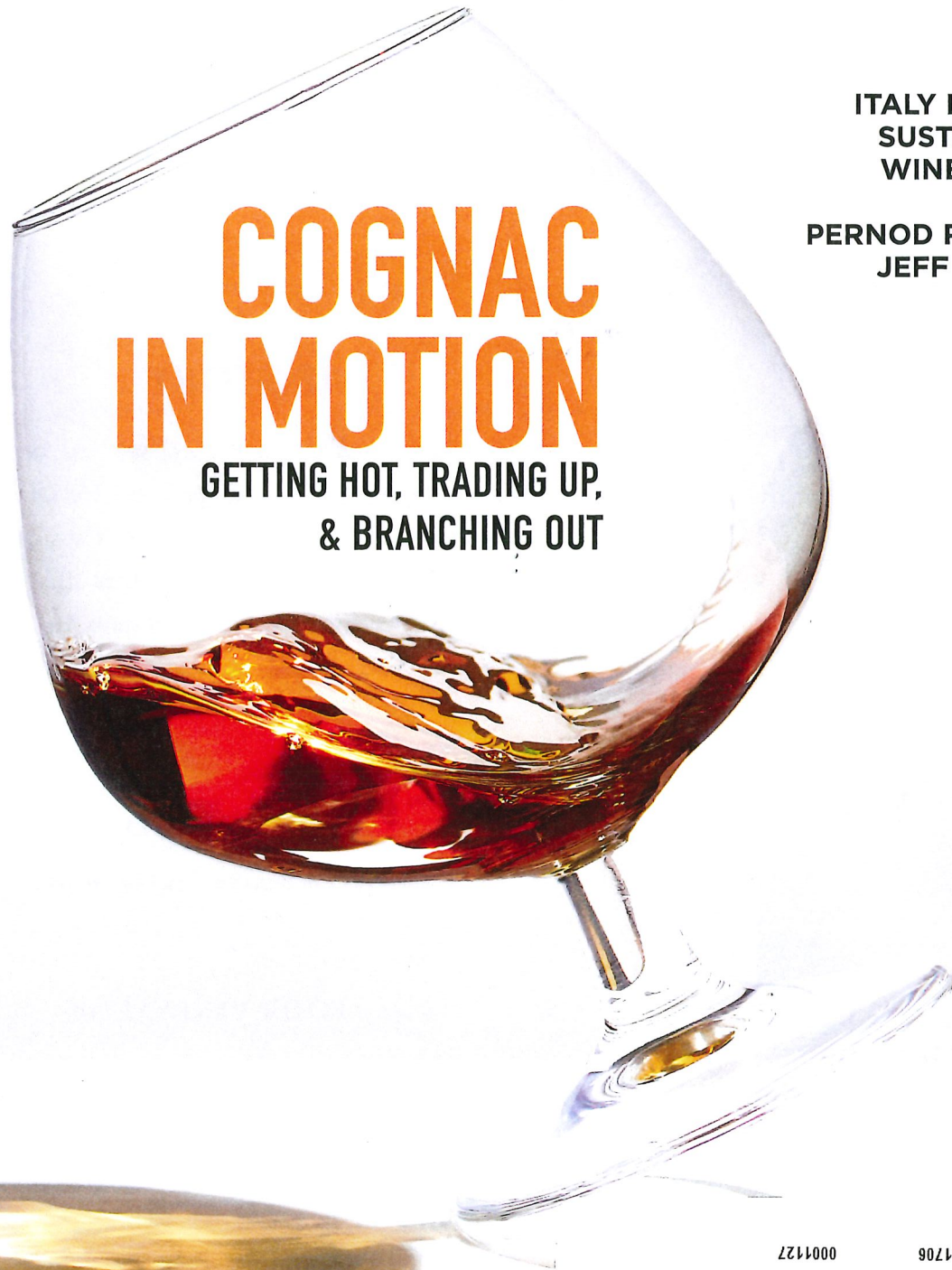


# SOUTHERN BEVERAGE JOURNAL

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## COGNAC IN MOTION

GETTING HOT, TRADING UP,  
& BRANCHING OUT



ITALY LEADS IN  
SUSTAINABLE  
WINEMAKING

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JEFF AGDERN

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# POLITICAL APPOINTEES ... POLICY CHANGES, GAME ON!

BY JOHN HARRIS

**T**he state elections of new executive and legislative branch officials ended in December 2018, with all newly elected officials starting their duties on January 8, 2019.

The first legislative session for many newly elected officials will begin on March 5, 2019, and the 60-day legislative session will end on May 3, 2019, unless it is extended. There is already interest in the state's alcohol beverage control policies by the legislative leaders.

Florida's Governor Ron DeSantis has set the preparation of the budget, including operating funds for agencies that report to the governor, as one of his first orders of business. Based on increased sales tax revenues, 2019 should be a fiscally sound year for the state of Florida.

The Department of Business and Professional Regulation ("the Department") supports the Division of Alcoholic Beverages and Tobacco, the Division of Hotels and Restaurants, the Division of Pari-Mutual Wagering, the Division of Land Sales and Condominiums, and related professional boards. When the government of Florida was re-organized under Governor Claude Kirk in the late 1960s, the number of executive branch stand-alone departments was reduced significantly and many of the state's executive branch departments and commissions were consolidated.

As a result of this re-organization, the four business divisions and the multiple professional boards under the Department maintained their agency status. The Department appoints the division directors and administratively supports each division and board with legal, accounting, information technology, human resources, and other

supporting services. On January 8, 2019, State Representative Halsey Beshears became the secretary of the Department as one of Governor DeSantis's first political appointments. At this time, no other changes have been announced by Secretary Beshears within the Department.

Based on our 50-plus years of experience working in Florida's political system and the current governance, we predict that the Department will prioritize the following food and alcohol beverage regulatory matters:

- i. unlawful access to alcohol beverages and tobacco products by minors;
- ii. prevention of foodborne illnesses; illegal, unlicensed activities;
- iii. requirement of corrective actions before filing formal complaints absent any danger to the state of Florida's health, safety and welfare;
- iv. agency-specific responsibilities, as defined by state laws;
- v. staff training;
- vi. industry education;
- vii. consistent enforcement of agency policies; and
- viii. elimination of unclear and unnecessary administrative rules.

Beverage alcohol industry members should remain informed of Department political appointees and policy changes. Individual administrators, their interpretations of beverage laws, and their application of those interpretations through enforcement policies all are subject to change over time.

**Q. I manage a tennis club with a state club liquor license. Our club members like to bring their personal**

**wine, beer, or spirits selections and our staff accommodates them. We do this as a service to our members and charge a corkage fee. Is what we're doing lawful, under the privileges and restrictions of our club license?**

**A.** Unfortunately, this is prohibited by Section 565.04(4), FL Stat that prohibits clubs from dispensing or serving any alcohol beverages, unless such beverages dispensed or served have been purchased by the club from a Florida licensed distributor or vendor.

The risks of this conduct may result in both criminal penalties and administrative license penalties. Those involved can be charged criminally and arrested such as the server and perhaps the manager or person in charge, depending on the facts. The beverages brought onto the club's premises by members and guests may be seized when served or dispensed by the club.

The license administrative penalties can range from warnings, to the revocation of the club's liquor license. We advise all clubs to be sure they are aware of this prohibited conduct. Knowledge, training, and supervision of Florida's Beverage Laws and Rules can help prevent many types of unintentional violations, which will help reduce the risks of arrest and license penalties. ■

We Welcome Your Email Questions.

Contact: Jjharris@Gray-Robinson.com

This Florida Law column is not designed to give specific legal advice. We suggest you consult with an attorney who specializes in alcohol beverage laws and regulations. The answers to questions posed in this article may change in the future due to modifications and amendments made to the Division's unwritten policies, or state or local alcohol beverage control laws and regulations.