

STORAGE NAME: h3363.rs
DATE: January 8, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
REGULATED SERVICES
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3363 (PCB RS 98-02)
RELATING TO: Regulation of alcoholic beverages and tobacco
SPONSOR(S): Committee on Regulated Services
COMPANION BILL(S): none

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) REGULATED SERVICES YEAS 11 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This proposed bill is the result of the State Government Function/Activity Review Interim Project wherein staff was instructed to identify obsolete statutes or statutes in need of technical or clarifying amendment.

This bill amends one area of law regarding the regulation of tobacco and one area of law regarding the regulation of alcoholic beverages. Both proposed changes are technical and clarifying in nature.

This bill has no fiscal impact.

This bill takes effect upon becoming a law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapters 210 and 569 F.S., provide the regulatory and tax structure for Florida's tobacco laws. The alcoholic beverage law consists of Chapters 561 through 565 and chapters 567 and 568 F.S. Section 20.165, F.S., creates the Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation and rules for both regulated industries are found in Chapter 61 of the Florida Administrative Code.

Former s. 561.07, Florida Statutes, addressed the law enforcement powers of the Division of Alcoholic Beverages and Tobacco. That statute was repealed by Chapter 95-346, Laws of Florida and similar statutory language was created in s. 20.165 by that same act. Section 210.10 grants the Division of Alcoholic Beverages and Tobacco authority to promulgate rules and enforce the tobacco statutes and contains a reference to s. 561.07 which is obsolete.

Subsection (1) of s. 562.45, Florida Statutes, sets forth penalties for violating the alcoholic beverage law. The terminology and sentence structure of that subsection, however, is cumbersome.

B. EFFECT OF PROPOSED CHANGES:

Section 210.10, Florida Statutes, is amended to correct a cross reference and s. 562.45, Florida Statutes, is amended to revise cumbersome language.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

STORAGE NAME: h3363.rs

DATE: January 8, 1998

PAGE 5

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 210.10 and 562.45, Florida Statutes.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 210.10(2), F.S., to change a reference from s. 561.07, F.S. to s. 20.165, F.S.

Section 2. Amends s. 562.45(1), F.S., to replace the term "shall be guilty of" with "commits" and to add additional clarifying language.

Section 3. Provides that the act takes effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

STORAGE NAME: h3363.rs

DATE: January 8, 1998

PAGE 7

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON REGULATED SERVICES:

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