

STORAGE NAME: h3769z.rs
DATE: May 14, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
REGULATED SERVICES
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3769

RELATING TO: Barefoot Bay Recreation District; Brevard County

SPONSOR(S): Representative Futch

COMPANION BILL(S):

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

- (1) REGULATED SERVICES YEAS 12 NAYS 0
- (2) COMMUNITY AFFAIRS
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

The bill passed the House as amended by the Regulated Services Committee [120 yeas 0 nays] on April 24, 1998, passed the Senate [40 yeas 0 nays] on May 1, 1998, and was presented to the Governor on May 13, 1998. The bill became law without the Governor's signature on May 29, 1998 and became Chapter 98-472, Laws of Florida.

II. SUMMARY:

This bill authorizes the Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license, as an exception to general law, to Barefoot Bay Recreation District, a mobile home park recreation district operating in Brevard County.

The bill has no significant impact on state revenue.

The bill provides that the act will take effect upon becoming a law.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Florida law limits the number of retail *liquor* licenses [also referred to as *quota* licenses] which may be issued. Section 561.20, F.S., provides for a quota of alcoholic beverage liquor licenses for each county based upon population: one license for each 5,000 residents. Quota licenses allow the sale of all alcoholic beverages for either consumption on the premises or by the package. The law provides for an annual lottery-type drawing to award quota licenses. Quota limitations were initially enacted in the interest of promoting temperance by limiting the number of outlets and, therefore, the availability of alcoholic beverages. By restricting competition, quota limitations also enhance the value of existing liquor licenses. Quota licenses often sell on the private market for thousands of dollars.

Retail quota license fees are based on the county's population and whether alcoholic beverages would be consumed on the vendor's licensed premises or sold for consumption off-premises. The cost of a quota license is slightly higher and ranges from \$468 in the smaller counties to \$1,820 in counties with populations over 100,000. In addition to these license fees, s. 561.19(6), Florida Statutes, requires the payment of a \$10,750 fee on the initial issuance of a quota license. This fee, commonly referred to as the "Hughes Act" fee is deposited in the Children and Family Services Operations and Maintenance Trust Fund and is used to supplement funding of alcohol and drug abuse education, treatment and prevention programs.

There are numerous exceptions in general law to the quota limitation which provide for the issuance of liquor licenses to certain groups or under certain conditions, e.g., golf courses, tennis clubs, restaurants. There is no special license classification for mobile home park recreation districts.

Barefoot Bay Recreation District is a mobile home park recreation district created pursuant to ss. 418.30-418.309, Florida Statutes. These districts are established by local ordinance which is approved by the voters within that district or by petition signed by a majority of electors within the district. These districts are governed by an elected board of trustees and are authorized to issue bonds and to levy and assess a recreation district tax.

B. EFFECT OF PROPOSED CHANGES:

The bill authorizes the Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license which permits the sale of alcoholic beverages for consumption on the premises to a mobile home park recreation district, Barefoot Bay Recreation District.

The license is for use in Barefoot Bay's recreational facilities complex which, according to the definition supplied by the bill, may include one or more restaurants, bars, clubhouses, recreation centers, banquet facilities, special activity tents or similar structures or meeting places, or any combination thereof. The mobile home park recreation district must have no fewer than 3,000 residential lots subject to its recreation

district assessments and the recreational facilities complex is required to meet certain standards concerning meeting and dining facility capacity.

The license authorized by this bill does not entitle the licensee to maintain or construct any structure on the premises which is prohibited by Brevard County ordinance or regulation.

Further, the act provides that all other provisions of Florida's alcoholic beverage laws not inconsistent with this act continue to apply. Any license issued pursuant to this act must be surrendered if the mobile home park recreation district owning the property within the legal boundaries of the district is dissolved or ceases to exist.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

This is a new special act which is an exception to general law.

D. 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?

No.

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

No.

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

No.

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?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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?

No.

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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1. Authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a special alcoholic beverage license to the Barefoot Bay Recreation District, a mobile home park recreation district and provides the legal description of the district's boundaries. The license allows the sale of alcoholic beverages for consumption on premises only.

Section 2. Defines the term "mobile home park recreation district" solely for the purposes of this bill.

Section 3. Requires the licensee to operate in compliance with Brevard County's ordinances and regulations and the state's alcoholic beverage laws. This section requires any license issued pursuant to this bill to be surrendered if the district is dissolved or ceases to exist.

Section 4. Provides that the act shall take effect upon becoming a law

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 24, 1998

WHERE? Florida Today Newspaper; Melbourne, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

V. COMMENTS:

Florida House of Representatives Rule 92.(b) provides:

"If a committee determines that a local bill provides only an exemption from general law, it shall be reintroduced as a general bill.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Two amendments by Representative Futch were adopted by the Committee on Regulated Services on March 23, 1998. The first amendment makes a clarifying change by specifying that only one license will be granted for use in a designated facility within the mobile home park complex and the second amendment corrects a scrivener's error by reinserting the word "not."

VII. SIGNATURES:

COMMITTEE ON REGULATED SERVICES:

Prepared by:

Legislative Research Director:

Janet Clark Morris

Paul Liepshutz

FINAL RESEARCH PREPARED BY COMMITTEE ON REGULATED SERVICES:

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