

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1126
 SPONSOR: Senator Latvala
 SUBJECT: Nonprofit Civic Organization/ Alcohol
 DATE: March 28, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable
2.	Cooper	Yeatman	CA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill clarifies the terms and conditions of temporary 3-day permits issued to nonprofit civic organizations for the sale of alcoholic beverages at the organization’s fundraising events.

The bill substantially amends section 561.422 of the Florida Statutes.

II. Present Situation:

The Beverage Law consists of chapters 561-565 and 567-568, F.S., and requires a person to be licensed prior to engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in the commerce of alcoholic beverages. The ability to engage in the commerce of alcoholic beverages is considered a privilege and is subject to strict licensure and operational standards. The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, is the state agency responsible for issuing alcoholic beverage licenses and ensuring licensee compliance with the Beverage Law.

The Beverage Law does not limit the number of beer or wine licenses that may be issued in a county. However, the Beverage Law does limit the number of retail liquor licenses [also referred to as quota licenses] that may be issued. Section 561.20, F. S., provides for a quota on alcoholic beverage liquor licenses for each county based upon population: one license for each 7,500 residents. Quota licenses allow the sale of all legal types of alcoholic beverages for either consumption on the premises or by the package. Both liquor package stores and lounge-type operations operate under the authority of a quota license.

Quota limitations were initially enacted in the interest of promoting temperance by limiting the number of outlets and, therefore, the availability of alcoholic beverages. License fees for quota

licenses are also significantly higher than for other alcoholic beverage licenses. To avoid favoritism, the law provides for an annual lottery-type drawing to award quota licenses.

There are numerous exceptions in general law to the quota limitation which provide for the issuance of liquor licenses to certain groups under restricted conditions: restaurants, hotels, motels, golf clubs, bowling establishments, civic centers, historic American Legion Posts and other qualifying veterans and fraternal organizations, etc.

Section 561.422, F.S., creates one such exception and allows the issuance of a temporary alcoholic beverage retail vendor license to bona fide nonprofit civic organizations. The license is valid for up to three days and allows the sale of all types of alcoholic beverages for on-premises consumption. No organization may obtain more than three temporary [3-day] licenses per calendar year. It is subject to state law or municipal or county ordinance regulating the time of sale of alcoholic beverages.

The license fee for a temporary 3-day license is \$25 and the organization is authorized to purchase alcoholic beverages from either a licensed wholesale distributor or a licensed retail vendor.

III. Effect of Proposed Changes:

Section 1 amends s. 561.422, F.S., to clarify the terms and conditions of temporary 3-day licenses issued to nonprofit civic organizations. This section is amended to provide that:

- Each temporary license is valid for a period of time not to exceed three days for each event;
- Any nonprofit civic organization may receive up to three licenses per calendar year; and
- Each license authorizes the service of alcoholic beverages at as many locations [service bars] as are necessary at each event.

Section 2 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
