

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1407
SPONSOR(S): Kriseman
TIED BILLS:

City of St. Petersburg, Pinellas County

IDEN./SIM. BILLS: SB 1696

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Urban & Local Affairs	7 Y, 0 N	Ligas	Kruse
2) Government Efficiency & Accountability Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a nonprofit civic organization a temporary permit authorizing the sale of alcoholic beverages in the downtown area of St. Petersburg.

This bill permits the City of St. Petersburg to issue a nonprofit civic organization up to fifteen temporary permits per calendar year. The temporary permits are valid for up to three days and the permits are in addition to the three temporary permits authorized per year for a nonprofit civic organization pursuant to s. 561.422, F.S.

This bill defines the downtown area of St. Petersburg as the area between 5th Avenues North and South and between 16th Street and the waterfront.

The bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules, on or before October 1, 2007, pursuant to chapter 120, F.S., to administer the act. The adopted rules must include permitting procedures and application forms.

This bill does not appear to have an economic impact on state or local government.

This bill provides an effective date of upon becoming law.

Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Pursuant to s. 561.422, F.S., nonprofit civic organizations may apply for up to three temporary alcoholic beverage permits. The alcoholic beverages may only be consumed on the premises. The temporary permits may be issued for a period not to exceed 3 days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages.

Upon the filing of an application, the nonprofit civic organization must present a local building or zoning permit, and pay a fee of \$25 per permit. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization.

The director of the division is authorized to issue the temporary permits.

Chapters 561-565 and 568, Florida Statutes, comprise Florida's Beverage Law. The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation is the state agency given responsibility for enforcement of the Beverage Law.¹

Currently, the Breakfast Optimist Club of St. Petersburg hosts a monthly street party, recently named the Get Downtown First Friday Music Series, which attracts up to 5,000 people to the downtown area of St. Petersburg.² The Breakfast Optimist Club, a local nonprofit civic organization, donates the proceeds of the monthly event to local children's charities.

Effect of Proposed Changes

Notwithstanding any other provision of law, this bill authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, to issue a bona fide nonprofit civic organization, upon application and presentation of a valid street-closure permit issued by the City of St. Petersburg, a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of St. Petersburg. To obtain the temporary permit, nonprofit civic organizations must be in compliance with all of the requirements of s. 561.422, F.S.

The bill permits the City of St. Petersburg to issue a nonprofit civic organization up to fifteen temporary permits per calendar year. The temporary permits are valid for up to three days. The temporary permits are in addition to the three temporary permits authorized per year for a nonprofit civic organization pursuant to s. 561.422, F.S.

For purposes of this law, the downtown area of St. Petersburg is defined as the area between 5th Avenues North and South and between 16th Street and the waterfront.

¹ Fla. Stat. §561.02 (2006).

² Cora, Carey. "Fun for revelers means funds for business." The St. Petersburg Times 2 Dec. 2006. Available at: http://www.sptimes.com/2006/12/02/Southpinellas/Fun_for_revelers_mean.shtml.

The bill requires the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to adopt rules, on or before October 1, 2007, pursuant to chapter 120, F.S., to administer the act. The adopted rules must include permitting procedures and application forms.

C. SECTION DIRECTORY:

Section 1: Authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue up to 15 temporary alcoholic beverage permits per calendar year, for the downtown St. Petersburg area, to nonprofit civic organization that meet the requirements of s. 561.422, F.S. The bill requires the division to adopt rules to administer this act.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 12, 2007

WHERE?

Pinellas News, Pinellas County

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

The attached Economic Impact Statement states that street fairs bring thousands of individuals to downtown St. Petersburg; therefore this bill would have a positive economic impact on downtown business. This bill does not have an economic impact on local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

On or before October 1, 2007, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation is required to adopt rules, pursuant to ch. 120, F.S., to administer this act, including permitting procedures and application forms.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES