

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1411 Hillsborough County
SPONSOR(S): Traviesa and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 2936

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--|-----------------|----------------|-----------------------|
| 1) <u>Committee on Urban & Local Affairs</u> | <u>7 Y, 0 N</u> | <u>Ligas</u> | <u>Kruse</u> |
| 2) _____ | _____ | _____ | _____ |
| 3) _____ | _____ | _____ | _____ |
| 4) _____ | _____ | _____ | _____ |
| 5) _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

This bill authorizes the issuance of a special alcoholic beverage license for the Tampa Bay History Center and the adjoining grounds. The license may only be used for special events. The bill also provides that the alcoholic beverages may be sold by the corporation for consumption within the grounds but not for consumption off the premises. Further, the bill states that the corporation can transfer the license to qualified applicants authorized by contract with the corporation to provide food services.

According to the Economic Impact Statement, this bill may result in additional revenues to the state in the form of increased alcoholic beverage taxes resulting from increased sales by the license holder.

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

Chapters 561-565 and 568, Florida Statutes, comprise Florida's Beverage Law. The Beverage Law 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.¹ The sale of alcoholic beverages is generally considered to be a privilege and as such, licensees² are held to a high standard of accountability. 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.³

The Beverage Law requires the Division to conduct background investigations on potential licensees and requires that licensees meet prescribed standards of moral character. Further, the Beverage Law prohibits certain business practices and relationships. Alcoholic beverage licenses are subject to fine, suspension and/or revocation for violations of the Beverage Law.

Unless sold by the package for consumption off the licensed premises, the sale and consumption of alcoholic beverages by the drink is limited to the "licensed premises" of a retail establishment over which the licensee has dominion or control. The Beverage Law does not allow a patron to leave an establishment with an open alcoholic beverage and/or enter another licensed premises with an alcoholic beverage.

The Tampa Bay History Center (TBHC) building is currently under construction with a targeted completion date of July 2008. The History Center will be owned by the County but operated and managed by the Tampa Bay History Center, Inc. (the corporation), a not for profit entity, pursuant to a management agreement. Hillsborough County is obligated under the management agreement to obtain this license on behalf of the corporation for their use in connection with the History Center.

Similar legislation was adopted for the Museum of Science and Industry,⁴ University Area Community Development Corporation,⁵ and Lowry Park Zoo.⁶

Effect of Proposed Changes

Notwithstanding the limitations contained in the Beverage Law, this bill 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 Tampa Bay History Center, a not-for-profit corporation, and the adjoining grounds for special events. The corporation is responsible for paying the applicable

¹ "Alcoholic beverages" means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume. Fla. Stat. §561.01(4)(a) (2006).

² "Licensee" means a legal or business entity, person, or persons that hold a license issued by the division and meets the qualifications set forth in s.561.15, F.S. Fla. Stat. §561.01(14) (2006).

³ Fla. Stat. §561.02 (2006).

⁴ Chapter 98-449, Laws of Florida.

⁵ Chapter 2003-355, Laws of Florida.

⁶ Chapter 94-464, Laws of Florida.

license fee provided in s.565.02, Florida Statutes. The license authorizes the corporation to sell alcoholic beverages for consumption within the center and the adjoining grounds. However, the license does not permit the sale of sealed contained of alcoholic beverages for consumption off the premises. The bill allows patrons of the center to leave with an opened, partially consumed container.

As defined by the bill, the corporation may temporarily transfer the license to qualified applicants authorized by or under contract with the corporation to provide food service. Upon termination of authorization or of the contract the license reverts back to the corporation.

This bill provides an effective date of upon becoming law.

C. SECTION DIRECTORY:

Section 1: Authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license in accordance with s. 561.17, F.S., to the TBHC and the adjoining grounds, upon application and payment of the appropriate license fee.

Section 2: Authorizes the sale of alcoholic beverages that will be consumed on site. The bill provides that the license shall not permit the sale of alcoholic beverages in sealed containers for consumption off the premises. The bill allows open bottles to be removed from the premises.

Section 3: Provides that the TBHC may transfer the license to qualified applicants who are either authorized by or under contract with the TBHC to provide food service. The license reverts back to the corporation with either termination of authorization or contract.

Section 4: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

February 2, 2007

WHERE?

The Tampa Tribune

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

Additional revenues may accrue to the state in the form of increased alcoholic beverage taxes resulting from increased sales by the license holder.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES