

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1445 City of Tallahassee, Leon County

SPONSOR(S): Ausley

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>9 Y, 0 N</u>	<u>Fudge</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>15 Y, 0 N</u>	<u>Fudge</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Division of Alcoholic Beverages and Tobacco (Division) of the Department of Business and Professional Regulation is responsible for enforcement of the Beverage Law. Section 561.422, F.S., authorizes nonprofit civic organizations to apply for up to three temporary alcoholic beverage permits for a period not to exceed 3 days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

HB 1445 authorizes a nonprofit civic organization to be issued up to 15 temporary permits per calendar year, valid for up to 3 days, in addition to the three temporary permits authorized by s. 561.422, F.S. The temporary permit authorizes the sale of alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area of Tallahassee. The nonprofit civic organization must comply with s. 561.422, F.S. The bill requires the Division to adopt rules on or before October 1, 2008.

The 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:

Current Situation

Chapters 561-568, F.S., comprise Florida's Beverage Law. The Division of Alcoholic Beverages and Tobacco (Division) of the Department of Business and Professional Regulation is responsible for enforcement of these laws.¹ Section 561.422, F.S., authorizes nonprofit civic organizations to apply for up to three temporary alcoholic beverage permits for a period not to exceed 3 days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

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 permits are issued by the director of the Division, and nonprofit civic organizations are limited to three per calendar year.

Effect of Proposed Changes

Notwithstanding any other provision of law, the bill authorizes the Division to issue 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 Tallahassee upon application and presentation of a valid street-closure permit by a bona fide nonprofit civic organization in compliance with s. 561.422, F.S. The bill defines the downtown area of Tallahassee encompassing approximately 1.5 square miles.

A nonprofit civic organization may be issued up to 15 temporary permits per calendar year, valid for up to 3 days, in addition to the three temporary permits authorized by s. 561.422, F.S. The bill requires the Division to adopt rules on or before October 1, 2008.

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 permits to bona fide nonprofit civic organizations for downtown Tallahassee; identifies the downtown area; requires the Division to adopt rules.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 3, 2008.

WHERE? In the *Tallahassee Democrat*, a daily newspaper published in Leon County, Florida.

¹ s. 561.02 (2007), F.S.

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 Economic Impact Statement states that “[s]pecial downtown events presented by nonprofits bring revenues, which are increased by the sale of beer, to the presenting organizations, and the events also have positive impacts on local businesses.”

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Division to adopt rules on or before October 1, 2008, which shall include permitting procedures and application forms.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Exemption from General Law

The bill includes a provision that provides an exemption from general law by providing “notwithstanding any other provision of law . . . [the Division of Alcoholic Beverages and Tobacco may issue additional alcoholic beverage permits].”

D. STATEMENT OF THE SPONSOR

No sponsor statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.