

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1051

City of Tavares, Lake County

SPONSOR(S): Hays

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee	10 Y, 1 N	Noriega	Hoagland
2)	Insurance, Business & Financial Affairs Policy Committee	11 Y, 0 N	Livingston	Cooper
3)	Economic Development & Community Affairs Policy Council		Noriega	Tinker
4)				
5)				

SUMMARY ANALYSIS

The Division of Alcoholic Beverages and Tobacco (division) of the Department of Business and Professional Regulation (DBPR) is responsible for the enforcement of Florida's 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 three 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.

This bill authorizes the division to issue temporary alcoholic beverages permits to nonprofit organizations holding outdoor events in the downtown area of the City of Tavares in Lake County.

An organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits currently authorized by law. The division is required to adopt rules on or before October 1, 2010, to administer the act.

The division has indicated that it can handle the provisions of this bill with existing resources.

The bill takes effect 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.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapters 561-565 and 567-568, F.S., comprise Florida's beverage law. The Division of Alcoholic Beverages and Tobacco (division) is responsible for the enforcement of these statutes.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 three 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. Individual nonprofit civic organizations are limited to three permits per calendar year.

According to the division, there are currently 100 nonprofit civic organizations in the City of Tavares.²

Effect of the Proposed Changes

This bill authorizes the division to issue temporary permits authorizing nonprofit organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area, as specifically described in the bill, of the City of Tavares in Lake County.

A nonprofit civic organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits authorized by s. 561.422, F.S. The organization must provide a valid street-closure permit issued by the City of Tavares, and must comply with all other requirements of s. 561.422, F.S., in obtaining the temporary permits authorized by the bill.

This bill requires the division to adopt rules on or before October 1, 2010, to administer the act, and the bill takes effect upon becoming law.

¹ Section 561.02, F.S.

² Impact estimates were provided by the DBPR, Office of Legislative Affairs, 2010 Legislative Analysis Form, dated February 2010 (HB 1051), and cites Guidestar.org (an Internet provider connecting people with nonprofit information) as the source for the number of nonprofit civic organizations in Tavares.

B. SECTION DIRECTORY:

Section 1. Provides for the issuance of temporary alcoholic beverage permits to nonprofit civic organizations for event activities conducted in the City of Tavares in Lake County.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 14, 2010.

WHERE? The *Daily Commercial*, a daily newspaper of general circulation published in Lake County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, this bill will offer not-for-profit groups additional opportunities to sell alcoholic beverages and to raise additional funds for local charities.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the division to adopt rules to administer this act. The division has indicated that this bill does not address what would occur if a rule challenge were to be initiated and rules could not be adopted by the date specified in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The division has indicated that it can handle the provisions of this bill within existing resources.

House Rule 5.5(b) states that 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. This bill appears to provide an exemption to s. 561.422, F.S.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES