

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		Noriega	Hoagland
2)	Insurance, Business & Financial Affairs Policy Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

This bill authorizes the Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation (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 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 561-568, F.S., comprise Florida's Beverage Law. The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (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. The permits are issued by the Division's director, and 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.

Effect of Proposed Changes

This bill authorizes the Division to issue temporary permits authorizing bona fide nonprofit organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way in the downtown area 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 this bill.

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

B. SECTION DIRECTORY:

¹ Section 561.02, F.S.

Section 1. Provides for the issuance of additional temporary alcoholic beverages permits.

Section 2. Provides an effective date.

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 beverages and to raise additional funds for local charities.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the Division of Alcoholic Beverages and Tobacco 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 stated time.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The Division has estimated that this bill will have an insignificant negative fiscal impact on state government. This is based on the following:

- Assuming that half of the 100 nonprofit civic organizations in the City of Tavares apply for all 15 temporary permits authorized by this bill, this would result in a negative fiscal impact of \$9,077 to the Division in fiscal year 2010-11, and in a negative fiscal impact of \$7,138 to the Division on a recurring basis; and
- A similar bill that passed in 2009 related to the City of Leesburg (HB 1169) has resulted in only one additional permit request since becoming law in June 2009, according to the Division.

The Division is requesting half (0.50) of one Full-time Equivalent position to implement the provisions of this bill.

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