

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 4203 Okaloosa County

SPONSOR(S): Gaetz

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	15 Y, 0 N	Tait	Hoagland
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county. Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations, and are regulated under Rule 61A-3.0141, F.A.C.

The bill repeals a 1969 Okaloosa County special act providing for the issuance of special alcoholic beverage licenses to restaurants accommodating at least 200 patrons at tables and occupying more than 5,000 square feet of floor space. Repeal of this act will allow Okaloosa County restaurants to apply for special alcoholic beverage licenses under a less restrictive general law provision which provides for special licenses to be issued to restaurants accommodating at least 150 persons at tables and occupying more than 2,500 square feet of floor space.

The Economic Impact Statement indicates that no significant change in revenues is anticipated.

The bill provides an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county¹. Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under Rule 61A-3.0141, F.A.C. With the exception of specified counties or cities, SRX licenses may be issued to bona fide restaurants with a service area occupying 2,500 or more square feet of floor space and with accommodations for the service and seating of 150 or more patrons at tables at one time.² All SRX licenses issued after January 1, 1958, have the suffix "SRX" as a part of the license number.

The specific requirements regarding the issuance of SRX licenses in Okaloosa County are found in chapter 69-798, L.O.F. The chapter specifies that SRX licenses may be issued to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 5,000 square feet of floor space.

Effect of Proposed Changes

HB 4203 repeals chapter 69-798, L.O.F. Repeal of this special act would allow restaurants in Okaloosa County to apply for special alcoholic beverage licenses under the less restrictive general law provision, which provides for special licenses to be issued to restaurants with 2,500 square feet of service area and equipped to serve 150 persons.³ It is unknown how many restaurants in Okaloosa County will eventually obtain a special alcoholic beverage license as a result of this bill.

The bill provides an effective date of upon becoming law.

B. SECTION DIRECTORY:

Section 1: Repeals chapter 69-798, L.O.F, relating to Special Restaurant License (SRX) requirements for Okaloosa 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? February 2, 2011.

WHERE? *The Northwest Florida Daily*, a daily paper of general circulation published in Fort Walton Beach, St. Lucie County, Florida and distributed in Okaloosa County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

¹ S. 561.20(1), F.S.

² The exceptions for the square footage rule are: the counties of Alachua, Brevard, Broward, Citrus, for premises with a cocktail lounge or open bar, Dade, Pasco, St. Lucie, Walton, Martin, Nassau, Okaloosa, Okeechobee, Osceola, Hendry, Highlands, Hillsborough, Indian River, Lake, and Orange County with respect to Orlando, Winter Park, and Maitland. The exception for the service and seating rule are: the counties of Alachua, Brevard, Broward, Dade, Hendry, Highlands, Walton, Hillsborough, Indian River, Pasco, Martin, Nassau, Okaloosa, St. Lucie, Osceola, and Orange County with respect to Orlando, Winter Park, and Maitland.

³ s. 561.20(2)(a)4., F.S.

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES