

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 867 City of Clearwater, Pinellas County
SPONSOR(S): Community & Military Affairs Subcommittee; Hooper
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 1 N, As CS	Tait	Hoagland
2) Economic Affairs Committee	15 Y, 0 N	Tait	Tinker

SUMMARY ANALYSIS

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation 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.

The bill authorizes the division to issue temporary alcoholic beverages permits to nonprofit organizations holding outdoor events in the downtown area of the City of Clearwater in Pinellas 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.

While the number of additional permits that may be issued as a result of this bill is indeterminate, the state will receive \$25 for each permit issued. In addition, the division has indicated that it can handle the provisions of this bill with existing resources.

The bill takes effect upon becoming law.

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.

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) within the Department of Business and Professional Regulation 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.

Over the past five years, the Legislature has passed legislation that authorizes the division to issue up to 15 additional temporary permits to nonprofit organizations in designated sections of the following cities: St. Petersburg,² Tallahassee,³ Leesburg,⁴ Eustis,⁵ Tavares,⁶ and Mount Dora.⁷ The chart below contains data from the division on the actual number of additional temporary permits issued.

City	Effective Date	2007	2008	2009	2010	2011*	Total Permits
St. Petersburg	6/12/07	1	14	9	9	14	47
Tallahassee	6/17/08	N/A	5	1	4	4	14
Leesburg	6/02/09	N/A	N/A	0	7	16	23
Eustis	6/11/10	N/A	N/A	N/A	3	10	13
Tavares	6/11/10	N/A	N/A	N/A	0	4	4
Mount Dora	6/29/11	N/A	N/A	N/A	N/A	0	0
Total		1	19	10	23	48	101

*As of 12/6/11

According to Guidestar.org, there are currently 1,256 nonprofit civic organizations in the City of Clearwater.⁸

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 and public park property in the downtown area, as specifically described in the bill, of the City of Clearwater in Pinellas County.

¹ Section 561.02, F.S.

² Chapter 2007-302, L.O.F.

³ Chapter 2008-294, L.O.F.

⁴ Chapter 2009-262, L.O.F.

⁵ Chapter 2010-251, L.O.F.

⁶ Chapter 2010-252, L.O.F.

⁷ Chapter 2011-260, L.O.F.

⁸ The division has used Guidestar.org (an Internet provider that connects people with nonprofit information) in the past as a source for the number of nonprofit civic organizations in a city. The results for Clearwater are from a search on December 19, 2011.

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 special event permit issued by the City of Clearwater, and must comply with all other requirements of s. 561.422, F.S., in obtaining the temporary permits authorized by the bill.

The bill takes effect upon becoming law.

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 Clearwater in Pinellas 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? November 4, 2011.

WHERE? *The Gulf Coast Business Review*, a weekly newspaper of general circulation published in Pinellas County, Florida.

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

While the number of additional permits that may be issued as a result of this bill is indeterminate, the state will receive \$25 for each permit issued. In addition, 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/ COMMITTEE SUBSTITUTE CHANGES

On January 11, 2012, the Community & Military Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removed a provision requiring the division to adopt rules to administer the act. The analysis has been updated to reflect that change.