

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1367 City of Vero Beach, Indian River County

**SPONSOR(S):** Mayfield

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	14 Y, 0 N	Kelly	Rojas
2) Regulatory Affairs Committee	18 Y, 0 N	Whittier	Hamon

### SUMMARY ANALYSIS

Section 561.422, F.S., authorizes a “bona fide nonprofit civic organization” to apply for up to three temporary permits to sell alcoholic beverages per calendar year, 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 law requires that the alcoholic beverages only be consumed on the premises and that all net profits from sales of alcoholic beverages collected during the permit period be retained by the nonprofit civic organization. Upon the filing of an application, the nonprofit civic organization must present a local building and zoning permit and pay a fee of \$25 per permit.

Over the past seven years, the Legislature has authorized the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to issue up to 15 additional temporary permits per year to nonprofit civic organizations in designated sections of the following cities: St. Petersburg, Tallahassee, Leesburg, Eustis, Tavares, Mount Dora, and Clearwater.

HB 1367 authorizes the Division of Alcoholic Beverages and Tobacco to issue up to 12 temporary permits, per calendar year, that allow nonprofit civic organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and public park property in downtown Vero Beach.

The permits are valid for up to three days and are in addition to the three temporary permits authorized under s. 561.422, F.S. The organization must provide a valid special event permit issued by the City of Vero Beach, 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 a 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 laws. The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation is responsible for the enforcement of these laws.<sup>1</sup>

Section 561.422, F.S., authorizes a "bona fide nonprofit civic organization" to apply for up to three temporary permits to sell alcoholic beverages per calendar year, 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 law requires that the alcoholic beverages only be consumed on the premises and that all net profits from sales of alcoholic beverages collected during the permit period be retained by the nonprofit civic organization. Upon the filing of an application, the nonprofit civic organization must present a local building and zoning permit and pay a fee of \$25 per permit.<sup>2</sup>

There are currently 594 nonprofit civic organizations in the Vero Beach area.<sup>3</sup>

Over the past seven years, the Legislature has authorized the division to issue up to 15 additional temporary permits per year to nonprofit civic organizations in designated sections of the following cities: St. Petersburg,<sup>4</sup> Tallahassee,<sup>5</sup> Leesburg,<sup>6</sup> Eustis,<sup>7</sup> Tavares,<sup>8</sup> Mount Dora,<sup>9</sup> and Clearwater.<sup>10</sup> The following chart displays how many actual permits were issued for these areas.

Number of Additional Temporary Permits Issued <sup>11</sup>									
City	Effective Date	2007	2008	2009	2010	2011	2012	2013	Total Permits
St. Petersburg	06/12/07	1	14	9	9	7	8	13	61
Tallahassee	06/17/08	N/A	5	1	4	4	0	2	16
Leesburg	06/02/09	N/A	N/A	0	7	16	4	20	47
Eustis	06/11/10	N/A	N/A	N/A	3	10	0	6	19
Tavares	06/11/10	N/A	N/A	N/A	0	4	0	0	4
Mount Dora	05/31/11	N/A	N/A	N/A	N/A	0	0	0	0
Clearwater	04/06/12	N/A	N/A	N/A	N/A	N/A	2	5	7
<b>Total</b>		<b>1</b>	<b>19</b>	<b>10</b>	<b>23</b>	<b>41</b>	<b>14</b>	<b>46</b>	<b>154</b>

Source: Department of Business and Professional Regulation

<sup>1</sup> Section 561.02, F.S.

<sup>2</sup> Section 561.422, F.S.

<sup>3</sup> This number was attained by conducting a search for "Vero Beach, Florida" on Guidestar.org, an Internet website that gathers and disseminates information about IRS-registered nonprofit organizations and is used by the division as a source for the number of nonprofit civic organizations in a city. (Last visited on April 1, 2014).

<sup>4</sup> Chapter 2007-302, L.O.F.

<sup>5</sup> Chapter 2008-294, L.O.F.

<sup>6</sup> Chapter 2009-262, L.O.F.

<sup>7</sup> Chapter 2010-251, L.O.F.

<sup>8</sup> Chapter 2010-252, L.O.F.

<sup>9</sup> Chapter 2011-260, L.O.F.

<sup>10</sup> Chapter 2012-244, L.O.F.

<sup>11</sup> Department of Business and Professional Regulation, Agency Analysis for HB 1367 (March 20, 2014) (on file with the Local & Federal Affairs Committee).

## **Effect of Proposed Changes**

HB 1367 authorizes the division to issue temporary permits authorizing bona fide nonprofit civic 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 of Vero Beach, Florida. Each organization that is issued a temporary permit will have the opportunity to sell alcoholic beverages during special street and park events. The bill specifically outlines the areas of downtown Vero Beach.<sup>12</sup>

The bill uses similar language as previous nonprofit civic organization alcoholic beverage bills, but limits the additional temporary permits to 12 instead of 15, which are 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 Vero Beach, and must comply with all other requirements of s. 561.422, F.S., in obtaining the temporary permits authorized by the bill.

### **B. SECTION DIRECTORY:**

**Section 1:** Authorizes the Division of Alcoholic Beverages and Tobacco to issue a bona fide nonprofit civic organization in Vero Beach up to 12 temporary permits to sell alcoholic beverages, per calendar year, in addition to the three temporary permits authorized in s. 561.422, F.S.

**Section 2:** Provides that the act take effect upon becoming a law.

## **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 30, 2014.

WHERE? *Indian River Press Journal*, a daily newspaper of general circulation published in Indian River 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

## **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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<sup>12</sup> “[T]he downtown area of Vero Beach is that area bounded by 24th Street on the north, the Florida East Coast Railway Right of Way south to 19th Street then west to Old Dixie Highway, then south to 17th Place and west to the lot line of the Indian River County school Board Property and then north to 19th Street and then west to 15th Avenue and north on 15th Avenue to 23rd Street and east on 23rd Street to 14th Avenue and north to 24th Street.”

Not applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The number of additional permits that may be issued as a result of this bill is indeterminate; however, the state will receive \$25 for each permit issued.

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**

None.