

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1367

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Mayfield

117 Y's 1 N's

COMPANION N/A
BILLS:

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1367 passed the House on April 25, 2014, and subsequently passed the Senate on April 29, 2014.

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 (Division) 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.

Under this bill, 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.

This bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on May 12, 2014, and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Non-profit Alcohol Permits

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.¹

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.²

There are currently 594 nonprofit civic organizations in the Vero Beach area.³

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,⁴ Tallahassee,⁵ Leesburg,⁶ Eustis,⁷ Tavares,⁸ Mount Dora,⁹ and Clearwater.¹⁰ The following table displays how many actual permits were issued for these areas.

Table 1. Number of Additional Temporary Permits Issued¹¹

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

Effect of the Bill

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

¹ Section 561.02, F.S.

² Section 561.422, F.S.

³ 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).

⁴ Chapter 2007-302, L.O.F.

⁵ Chapter 2008-294, L.O.F.

⁶ Chapter 2009-262, L.O.F.

⁷ Chapter 2010-251, L.O.F.

⁸ Chapter 2010-252, L.O.F.

⁹ Chapter 2011-260, L.O.F.

¹⁰ Chapter 2012-244, L.O.F.

¹¹ Department of Business and Professional Regulation, 2014 Legislative Bill Analysis, HB 1367. Source: Department of Business and Professional Regulation.

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.¹²

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.

II. FISCAL ANALYSIS, ECONOMIC IMPACT STATEMENT, & NOTICE/REFERENDUM

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 30, 2014

WHERE? *Indian River Press Journal*, a daily newspaper published in Indian River County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

¹² “[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.”