

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 605 Alcoholic Beverage Licenses, Lake and Sumter Counties

**SPONSOR(S):** O'Toole

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 794

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	15 Y, 0 N	Kelly	Rojas
2) Regulatory Affairs Committee	18 Y, 0 N	Brown-Blake	Hamon

### SUMMARY ANALYSIS

In 2002, the Legislature enacted a special act to authorize the Division to grant special alcoholic beverage licenses to an entertainment or lodging complex within the commercial district of a retirement community in the incorporated Town of Lady Lake and in unincorporated Sumter County.<sup>1</sup> The entertainment or lodging complex seeking the special alcoholic beverage license must be managed, controlled, and operated by a primary business entity under one business name,<sup>2</sup> and must satisfy certain criteria set in the special act. The entertainment or lodging complex may consist of individual independently owned business entities. Each of these independent business entities that wishes to manufacture or sell alcohol is required to obtain a separate alcoholic beverage license.

The bill authorizes the Division to grant special alcoholic beverage licenses to an entertainment or lodging complex within the commercial district of a retirement community in Sumter County, including the incorporated Sumter County municipalities.

This bill also clarifies that the owner, operator, or controlling entity of an entire business complex does not need to individually satisfy the criteria for the composition of the complex. Instead, the independent entities that make up the entire business complex can be aggregated to meet the criteria including the number of visitors, facilities, and restaurants within the entire business complex.

<sup>1</sup> Chapter 2002-334, Laws of Fla.

<sup>2</sup> *Id.*

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background on Alcoholic Beverage Licenses in Lady Lake and Sumter County**

Chapters 561-565 and 567-568, F.S., comprise Florida's beverage law, which requires a person or entity to obtain a license prior to engaging in the sale of alcoholic beverages.<sup>3</sup> As such, the Division of Alcoholic Beverages and Tobacco (Division) within the Florida Department of Business and Professional Regulation's is responsible for licensing the alcoholic beverage industry, collecting and auditing taxes and fees paid by the licensees, and for enforcing alcoholic beverage laws and regulations.<sup>4</sup>

In 2002, the Legislature enacted ch. 2002-334, Laws of Fla., to authorize the Division to grant special alcoholic beverage licenses to an entertainment or lodging complex within the commercial district of a retirement community in the incorporated Town of Lady Lake and in unincorporated Sumter County.<sup>5</sup> The authorization was not focused at one particular entity, but the law's designation does include two downtown squares owned by The Villages, including Lake Sumter Landings (in unincorporated Sumter County) and Spanish Springs (in the incorporated Town of Lady Lake).<sup>6</sup>

Under the provisions of ch. 2002-334, Laws of Fla., the entertainment or lodging complex seeking the special alcoholic beverage license must be managed, controlled, and operated by a primary business entity under one business name.<sup>7</sup> The entire entertainment or lodging complex must satisfy certain criteria set in the special act, namely that it must be an entity operating an entertainment or lodging complex in a real estate development located within the boundaries, be located within an area permitted for a restaurant or lounge according to Sumter County ordinances, and have:

- (a) A minimum of 15,000 visitors must annually visit the commercial district of the retirement community;
- (b) The complex must provide meeting facilities for at least 250 persons; and
- (c) The complex must contain at least two restaurants or lounges having at least 4,000 square feet of service area equipped to serve full-course meals to 250 persons at one time.<sup>8</sup>

Each independent entity within the entire business complex does not need to individually satisfy the above criteria. Likewise, the primary business entity that manages, controls, or operates the entire business complex does not need to individually satisfy the above criteria. Instead, the independent entities that make up the entire business complex can be aggregated to meet the criteria including the number of visitors, facilities, and restaurants within the entire business complex. Each of these individual business entities that wishes to manufacture or sell alcohol; however, are still required to obtain a separate alcoholic beverage license.

Currently, The Villages has built Brownwood, a new downtown square in the incorporated City of Wildwood. The City of Wildwood is an incorporated municipality within Sumter County.<sup>9</sup> Due to the word "unincorporated" in the definition of Sumter County, Brownwood is not included under ch. 2002-334, Laws of Fla.

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<sup>3</sup> Chapters 561-565 and 567-568, F.S.

<sup>4</sup> Chapter 561-565, F.S.

<sup>5</sup> Chapter 2002-334, Laws of Fla.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Economic Impact Statement, 2014 Legislative Session, HB 605.

## Effect of HB 605

HB 605 deletes the word “unincorporated” describing Sumter County from ch. 2002-334, Laws of Fla., in order to encompass all areas of Sumter County, including the City of Wildwood, an incorporated Sumter County municipality.

This bill also clarifies that the owner, operator, or controlling entity of a an entire business complex does not need to individually satisfy the criteria for the composition of the complex set forth in ch. 2002-334, Laws of Fla. Instead, the independent entities that make up the entire business complex can be aggregated to meet the criteria including the number of visitors, facilities, and restaurant within the entire business complex.

The Department of Business and Professional Regulation has stated the bill does not add to the number of alcoholic beverage licenses within the city and county. The bill only clarifies how the criteria can be met for a license that is already in effect.<sup>10</sup>

### B. SECTION DIRECTORY:

**Section 1:** Amends Chapter 2002-334, Laws of Fla. to clarify that in Lady Lake, the individual independent licensed entities within the complex are the entities that make up the criteria for the complex.

**Section 2:** Amends Chapter 2002-334, Laws of Fla. to clarify that in Sumter County, the individual independent licensed entities within the complex are the entities that make up the criteria for the complex; deletes reference to “the unincorporated area” of Sumter county.

**Section 3:** Provides an effective date.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 7, 2013

WHERE? *The Villages Daily Sun*, a daily newspaper of general circulation, published in Sumter 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:  
Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:  
None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

<sup>10</sup> Department of Business and Professional Regulation, 2014 Legislative Bill Analysis, HB 605.