

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 605

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): O'Toole

117 Y's 2 N's

**COMPANION SB 794
BILLS:**

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 605 passed the House on April 25, 2014, and subsequently passed the Senate on April 29, 2014.

In 2002, the Legislature enacted a special act to authorize the Division of Alcoholic Beverages and Tobacco (Division) within the Florida Department of Business 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.¹ Under the special act, 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,² and must satisfy certain criteria set in the special act. Additionally, the entertainment or lodging complex may consist of individual independently owned business entities. Each of these independent business entities that wish to manufacture or sell alcohol are required to obtain a separate alcoholic beverage license.³

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.

The bill also clarifies that the owner, operator, or controlling entity of an entire business complex does not need to individually satisfy the criteria in the special act 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.

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.

¹ Chapter 2002-334, L.O.F.

² *Id.*

³ *Id.*

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

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.⁴ 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.⁵

In 2002, the Legislature enacted ch. 2002-334, L.O.F., 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.⁶ 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).⁷

Under the provisions of ch. 2002-334, L.O.F., 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.⁸ 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 the following:

- A minimum of 15,000 visitors must annually visit the commercial district of the retirement community;
- The complex must provide meeting facilities for at least 250 persons; and
- 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.⁹

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.¹⁰ Due to the word "unincorporated" in the definition of Sumter County, Brownwood is not included under ch. 2002-334, L.O.F.

Effect of the Bill

⁴ Chapters 561-565 and 567-568, F.S.

⁵ Chapter 561-565, F.S.

⁶ Chapter 2002-334, L.O.F.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Economic Impact Statement, 2014 Legislative Session, HB 605.

The bill deletes the word “unincorporated” describing Sumter County from ch. 2002-334, L.O.F., 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, L.O.F. 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.¹¹

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? November 7, 2013

WHERE? *The Villages Daily Sun*, a daily newspaper published in Sumter County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

¹¹ Department of Business and Professional Regulation, 2014 Legislative Bill Analysis, HB 605.