

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1163 City of Tallahassee, Leon County

SPONSOR(S): Williams

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	13 Y, 0 N	Miller	Miller
2) Business & Professions Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

In 2008, the Legislature enacted a special act to authorize the Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation to issue a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way in the downtown area of Tallahassee, upon application and presentation of a valid street-closure permit, by a bona fide nonprofit civic organization. The act also defined the boundaries of the downtown area of Tallahassee, including parts of Florida A&M University.

The bill revises the boundaries of the downtown area of Tallahassee to include Bragg Memorial Stadium on the Florida A&M University campus for the purposes of temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events.

The Economic Impact Statement filed for the bill projects that the bill could increase revenue from \$150,000 to \$200,000 each year by providing select fans a premium experience at home football games in Bragg Memorial Stadium on the Florida A&M University campus.

The bill takes effect upon becoming law.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) may apply to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Alcoholic Beverages and Tobacco (Division) of the Department of Business and Professional Regulation is responsible for the enforcement of Florida's Beverage Laws.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 \$25 permit fee. All net profits from the sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. The permits are issued by the director of the Division, and nonprofit civic organizations are limited to three per calendar year.

In 2008, the Legislature enacted ch. 2008-294, Laws of Florida, to authorize the Division to issue a temporary permit authorizing the sale of alcoholic beverages for consumption on the premises at outdoor events on public rights-of-way in the downtown area of Tallahassee, upon application and presentation of a valid street-closure permit, by a bona fide nonprofit civic organization in compliance with s. 561.422, F.S. Moreover, the act provided that a nonprofit 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 in s. 561.422, F.S. Lastly, the act defined the boundaries of the downtown area of Tallahassee, including parts of Florida A&M University.

Effect of Proposed Changes

The bill amends ch. 2008-294, Laws of Florida by revising the boundaries of the downtown area of Tallahassee to include Bragg Memorial Stadium on the Florida A&M University campus for the purpose of expanding the area subject to the exemption from s. 561.422, F.S., authorizing the Division to issue additional temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events.

The Economic Impact Statement projects the bill would increase revenue from \$150,000 to \$200,000 for the Florida A&M University Athletics Department by providing select fans a premium experience at home football games in Bragg Memorial Stadium in the North End Zone Club on Florida A&M University.²

B. SECTION DIRECTORY:

Section 1. Amends ch. 2008-294, Laws of Florida, revising the boundaries of the downtown area of Tallahassee to expand the area subject to the exemption from s. 561.422, F.S., authorizing the Division to issue additional temporary permits for a nonprofit civic organization to sell alcoholic beverages on the premises at outdoor events on public right-of-way.

Section 2. Provides that the bill shall take effect upon becoming law.

¹ Chapters 561-568, F.S.

² Economic Impact Statement for HB 1163 (2015).

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 27, 2015

WHERE? *Tallahassee Democrat*, a daily newspaper published in Leon 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:

The bill does not provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) may apply to this bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES