

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1337 Pinellas County/Alcoholic Beverage Temporary Permits

SPONSOR(S): Peters

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	16 Y, 1 N	Darden	Kiner
2) Regulatory Affairs Committee	17 Y, 0 N	Brown-Blake	Hamon

SUMMARY ANALYSIS

General law authorizes the Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco (Division) to issue up to three temporary permits per calendar year to a bona fide nonprofit civic organization to sell alcoholic beverages. The beverages sold pursuant to the permit must be consumed in the designated event area and are subject to any state law or local ordinance regulating the time for selling alcoholic beverages. The organization applying for a permit must present a local building and zoning permit with its application and pay a \$25 application fee. Permits are valid for up to three days. All net profits from the sale of beverages pursuant to the permit must be retained by the organization.

The Legislature has previously authorized the Division to issue up to fifteen additional temporary alcoholic beverage permits to bona fide nonprofit civic organizations in nine municipalities around the state. Each of these acts specified an area in which nonprofits could utilize the permits.

This bill would authorize the Division to issue up to fifteen additional temporary alcoholic beverage permits to a bona fide nonprofit civic organization operating in Pinellas County. An organization applying for a temporary permit must submit a valid special event permit, specifying a designated area for the consumption of alcoholic beverages, issued by an incorporated municipality in Pinellas County, in addition to any documentation required by general law. Currently, there are approximately 3,450 nonprofit civic organizations in Pinellas County.

This bill will take 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. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapters 561-568, F.S., constitute Florida's Beverage Law.¹ The Department of Business and Professional Regulation's Division of Alcoholic Beverages and Tobacco (Division) is responsible for enforcement of the Beverage Law.²

A bona fide civic nonprofit organization may apply for up to three temporary alcoholic beverage permits per year.³ The permits are valid for periods not exceeding three days and are subject to any state law or local ordinance regulating the time for selling alcoholic beverages.⁴ The beverages sold pursuant to the permit must be consumed in the designated event area.⁵ The organization applying for a permit must present a local building and zoning permit with its application to the Division and pay a \$25 application fee.⁶ All net profits from the sales must be retained by the organization.⁷

There are approximately 3,450 nonprofit civic organizations in Pinellas County.⁸

Previous special acts of the Legislature have authorized the Division to issue additional permits to civic nonprofit organizations operating in designated "downtown" areas.⁹ Municipalities covered by these acts include:

- St. Petersburg;¹⁰
- Tallahassee;¹¹
- Leesburg;¹²
- Eustis;¹³
- Tavares;¹⁴
- Mount Dora;¹⁵
- Clearwater;¹⁶
- Ocala;¹⁷
- Vero Beach.¹⁸

¹ s. 561.01(6), F.S.

² s. 561.02, F.S.

³ s. 561.422, F.S.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ This number was obtained by conducting a search for each municipality in Pinellas County on Guidestar.org, a 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. As of a search on 4/1/15, Clearwater has 790 nonprofit civic organizations, Dunedin 161, Gulfport 41, Largo 368, Maderia Beach 37, Oldsmar 143, Pinellas Park 181, Safety Harbor 86, Seminole 178, St. Petersburg 1,375, St Pete Beach 64, and Tarpon Springs 34.

⁹ *See* Ch. 2007-302, Laws of Fla. (authorizing the Division to issue up to fifteen additional temporary permits per calendar year in bona fide nonprofit organizations in downtown St. Petersburg).

¹⁰ *Id.*

¹¹ Ch. 2008-294, Laws of Fla.

¹² Ch. 2009-262, Laws of Fla.

¹³ Ch. 2010-251, Laws of Fla.

¹⁴ Ch. 2010-252, Laws of Fla.

¹⁵ Ch. 2011-260, Laws of Fla.

¹⁶ Ch. 2012-244, Laws of Fla.

¹⁷ Ch. 2014-253, Laws of Fla.

¹⁸ Ch. 2014-248, Laws of Fla.

These acts generally authorize the Division to issue each requesting bona fide non-profit civic organization fifteen additional temporary permits per calendar year, on top of the three permits authorized by s. 561.422, F.S.¹⁹ According to the below chart prepared by the Division,²⁰ 154 additional temporary permits were issued between the passage of the first special act in 2007 to the end of 2013.

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	6/2/09	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	4/6/12	N/A	N/A	N/A	N/A	N/A	2	5	7
Total		1	19	10	23	41	14	46	154

Proposed Changes

The bill authorizes the Division to issue each requesting bona fide non-profit civic organization up to fifteen temporary alcoholic beverage permits in Pinellas County. These permits are in addition to the three permits authorized by s. 561.422, F.S.

Organizations applying for a temporary alcoholic beverage permit from the Division must submit a valid special event permit issued by an incorporated municipality in Pinellas County. The temporary alcoholic beverage permit issued to the organization only authorizes the sale of alcoholic beverages for consumption on the premises of a "special event permitted area" designated by the municipality.

The organization must also comply with all other applicable requirements of s. 561.422, F.S.

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. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

B. SECTION DIRECTORY:

Section 1: Authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a bona fide nonprofit civic organization in Pinellas County up to 15 temporary permits to sell alcoholic beverages per calendar year, in addition to the three temporary permits authorized by s. 561.422, F.S.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 28, 2015.

WHERE? The *Tampa Bay Times*, a daily newspaper published in Pinellas County, Florida.

¹⁹ See Ch. 2007-302, Laws of Fla. (authorizing up to fifteen additional temporary permits); *but see* Ch. 2014-248, Laws of Fla. (authorizing up to twelve additional temporary permits).

²⁰ Department of Business and Professional Regulation Legislative Bill Analysis for HB 1367 (2014).

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:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.