

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 1337

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Peters

117 Y's

0 N's

**COMPANION
BILLS:** N/A

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 1337 passed the House on April 24, 2015, and subsequently passed the Senate on April 29, 2015.

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.

The bill was approved by the Governor on June 10, 2015, ch. 2015-207, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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

Effect of Bill

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.

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

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Division will receive a \$25 application fee for each temporary alcoholic beverage permit application processed.

2. Expenditures:

The Division will incur costs for processing the temporary alcoholic beverage permit application.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

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).

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 28, 2015.

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

E. REFERENDUM(S) REQUIRED? Yes No