

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1433 Martin County  
**SPONSOR(S):** Magar  
**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	11 Y, 0 N	Renner	Miller
2) Regulatory Affairs Committee	17 Y, 0 N	Brown-Blake	Hamon
3) Local & Federal Affairs Committee	10 Y, 1 N	Renner	Kiner

### SUMMARY ANALYSIS

In 1963, the Legislature enacted ch. 63-1619, Laws of Florida (later amended by chs. 91-389 and 2011-246, Laws of Florida), to provide specific requirements regarding the issuance of Special Restaurant Beverage (SRX) licenses in Martin County. Under the special act, in Martin County SRX licenses may be issued to any bona fide hotel, motel, motor court, or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, with the exception of the area within the legal boundaries of the community redevelopment areas (CRAs) for restaurants providing service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space.

The bill repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses for hotels, motels, motor courts, and certain restaurants in Martin County. The issuance of subsequent SRX licenses in the county will be as provided under general law.

The bill does not appear to have a fiscal impact on state or local government.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The Division of Alcoholic Beverages and Tobacco (DABT) of the Department of Business and Profession Regulation (DBPR) is responsible for the enforcement of Florida's Beverage Laws.<sup>1</sup>

Florida law limits the number of alcoholic beverage licenses that may be issued to one license for every 7,500 residents in a county, known as the "quota".<sup>2</sup> Special Restaurant Beverage (SRX) licenses may be issued in excess of the quota limitations in s. 561.20(1), F.S., and are regulated under Rule 61A-3.0141, F.A.C. To qualify for the SRX license, a restaurant must have a service area of at least 2,500 square feet, be equipped to serve at least 150 persons full meals at one time, and derive at least 51% of its revenue from the sale of food and nonalcoholic beverages.<sup>3</sup>

The specific requirements regarding the issuance of SRX licenses in Martin County are found in chs. 63-1619, 91-389, and 2011-246, Laws of Florida.

In Martin County, SRX licenses are issued to any bona fide hotel, motel, motor court, or to any bona fide restaurant with service for 200 or more patrons at tables and occupying more than 4,000 square feet of floor space, with the exception of the area within the legal boundaries of the community redevelopment areas (CRAs)<sup>4</sup> for restaurants providing service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space.

Licensees are prohibited from selling alcoholic beverages for consumption off the premises and from operating as a package store. The process for receiving SRX licenses includes obtaining approval from the Board of County Commissioners of Martin County, followed by applying to the Division within DBPR.

##### Effect of Proposed Changes

The bill repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses for hotels, motels, motor courts, and certain restaurants in Martin County. The issuance of subsequent SRX licenses in the county will be as provided under general law.

#### B. SECTION DIRECTORY:

Section 1 Repeals chs. 63-1619, 91-389, and 2011-246, Laws of Florida, relating to the issuance of SRX licenses to hotels, motels, motor courts, and certain restaurants in Martin County.

Section 2 Provides the bill is effective upon becoming law.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 8, 2015

WHERE? *Treasure Coast Newspapers*, Martin County

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<sup>1</sup> Chs. 561-568, F.S.

<sup>2</sup> Section 561.20(1), F.S.

<sup>3</sup> Section 561.20(2)(a)4., F.S.

<sup>4</sup> Martin County has seven CRA districts: Golden Gate, Hobe Sound, Indiantown, Jensen Beach, Old Palm City, Port Salerno, and Rio.

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 authority or require implementation by administrative agency rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.