

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 1291	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	City of Jacksonville, Duval County	115	Y's 3	N's
SPONSOR(S):	Local, Federal & Veterans Affairs Subcommittee; Davis	GOVERNOR'S ACTION:	Approved	
COMPANION BILLS:	N/A			

SUMMARY ANALYSIS

CS/HB 1291 passed the House on April 28, 2017, and subsequently passed the Senate on May 4, 2017.

The bill creates an exception to s. 561.01(11), F.S., permitting businesses located in the Stadium District of the City of Jacksonville that are licensed to sell alcoholic beverages to patrons for consumption on the licensed premises to sell beverages to patrons for consumption off of the licensed premises during a special event. The bill provides a definition for special events, authorizes the Jacksonville City Council to define a time frame for special events, and requires businesses to pay a \$100 annual application fee to the Department of Business and Professional Regulation.

The Economic Impact Statement submitted with the bill states that it is projected to have a positive fiscal impact due to increased sales tax and licensing revenue from businesses within the district.

The bill was approved by the Governor on June 6, 2017, ch. 2017-212, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Beverage Law

The Division of Alcoholic Beverages and Tobacco (Division) within DBPR is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale within the state of alcoholic beverages. Chapters 561-565 and 567-568, F.S., comprise Florida's Beverage Law.

Under the Beverage Law, DBPR is not limited on the number of licenses it issues to businesses that sell malt beverages or wine; however s. 561.20, F.S., limits the number of licenses that may be issued under s. 565.02(1)(a)-(f), F.S., to one license per 7,500 residents per county with a minimum of three licenses per county that has approved the sale of intoxicating liquors.¹ This license, often referred to as a "quota license," allows a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.²

There are several exceptions to the quota license limitation, and businesses that meet the requirements set out in one of the exceptions pursuant to s. 561.20(2), F.S., may be issued a special license by DBPR that allows the business to serve any alcoholic beverages regardless of alcoholic content.

Generally, alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.³ DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.⁴ The business must pay an application fee of \$100, stipulate the timeframe for the special event, and submit a sketch outlining the expanded premises, and submit written approval from the county or municipality.

Effect of the Bill

The bill would create an exception to s. 561.01(11), F.S., permitting businesses located in the Stadium District that are licensed to sell alcoholic beverages to patrons for consumption on the licensed premises to sell beverages to patrons for consumption off of the licensed premises during a special event. The bill requires a business selling alcoholic beverages to patrons for consumption off the licensed premises to pay a \$100 annual application fee to the Department of Business and Professional Regulation.

The bill requires the Jacksonville City Council to adopt a resolution that specifies a period of up to three days for each special event, beginning no earlier than noon on the first day of the special event and ending no later than midnight on the third day of the special event. The bill defines a special event as:

- Ticketed events held at the Baseball Grounds of Jacksonville;
- Ticketed events held at EverBank Field;
- Ticketed events held at the Amphitheater and Covered Flex Field;

¹ Section 561.20(1), F.S.

² Section 565.02, F.S.

³ See s. 561.01(11), F.S. (defining "licensed premises" and requiring written approval from the county or municipality to include a sidewalk or any other outside area as part of the licensed premise).

⁴ Section 561.01(11), F.S.

- Ticketed events held at the Jacksonville Veterans Memorial Arena;
- Ticketed events held at the Jacksonville Fairgrounds;
- New Year's Eve events held within the Stadium District;
- Gate River Run events held within the Stadium District; and
- Up to 10 additional events annually declared as special events by the Jacksonville City Council by resolution.

The Economic Impact Statement submitted with the bill projects the bill to have a positive fiscal impact due to increased sales tax and licensing revenue from businesses within the district.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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, attached No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 2, 2017

WHERE? The *Financial News & Daily Record*, a daily (except Saturday and Sunday) newspaper of general circulation published in Duval County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?