

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1429 City of Ocala, Marion County

**SPONSOR(S):** McClain

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	17 Y, 0 N	Mwakyanjala	Miller
2) Regulatory Reform Subcommittee	17 Y, 0 N	Thompson	Anstead
3) State Affairs Committee	22 Y, 0 N	Mwakyanjala	Williamson

### SUMMARY ANALYSIS

Florida's Beverage Law limits the number of "quota licenses" that the Department of Business and Professional Regulation (DBPR) may issue per county. A quota license allows a business to serve any alcoholic beverage regardless of alcoholic content, including liquor. DBPR is not limited by the Beverage Law on the number of licenses it may issue for businesses serving only malt beverages and wine.

The bill creates an exception to ch. 561, F.S., and requires DBPR to issue a special permit to licensed vendors located within the Downtown Ocala Event Zone that are licensed to sell alcoholic beverages to patrons for consumption on its premises during special events approved or declared by the Ocala City Council to allow for the sale of alcoholic beverages in open containers for consumption off the licensed premises but within the entertainment district. The special permit is only valid for the duration of each special event approved by the city manager.

**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

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is responsible for regulating the conduct, management, and operation of the manufacturing, packaging, distribution, and sale of alcoholic beverages within the state.<sup>1</sup> 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 selling malt beverages or wine. However, statute 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.<sup>2</sup> 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.<sup>3</sup>

There are several exceptions to the quota license limitation,<sup>4</sup> and businesses that meet the requirements set out in one of the exceptions may be issued a special license by DBPR allowing the business to serve any alcoholic beverages regardless of alcohol content.

Alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.<sup>5</sup> DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.<sup>6</sup> The business must pay an application fee of \$100, stipulate the timeframe for the special event, submit a sketch outlining the expanded premises, and submit written approval from the county or municipality.

#### Effect of the Bill

The bill creates a special zone in the City of Ocala known as the Downtown Ocala Event Zone and establishes the boundaries of the special zone. The bill creates an exception to ch. 561, F.S., and requires DBPR to issue a special permit to licensed vendors located within the Downtown Ocala Event Zone that are licensed to sell alcoholic beverages to patrons for consumption on its premises during special events approved or declared by the Ocala City Council to allow for the sale of alcoholic beverages in open containers for consumption off the licensed premises but within the entertainment district. The special permit is only valid for the duration of each special event approved by the city manager.

### B. SECTION DIRECTORY:

Section 1: Creates the Downtown Ocala Event Zone in the City of Ocala and provides a property description of the district.

Section 2: Creates an exception to general law; upon adoption of a resolution approving a special event and street closure by the Ocala City Council, allows licensed vendors within the Downtown Ocala Event Zone authorized to sell alcoholic beverages for consumption on the licensed premises to sell alcoholic beverages for consumption off the licensed premises but still within the zone during approved special events.

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<sup>1</sup> S. 561.02, F.S.

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

<sup>3</sup> S. 565.02, F.S.

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

<sup>5</sup> 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).

<sup>6</sup> S. 561.01(11), F.S.

- Section 3: Provides that any special permit authorized under this act is granted in addition to any other temporary permits authorized pursuant to ch. 561, F.S.
- Section 4: Requires vendors to comply with all other requirements of ch. 561, F.S., while operating pursuant to any special permit.
- Section 5: Provides an effective date of upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 3, 2021.

WHERE? *The Star Banner*, a newspaper printed and published in Ocala, Marion County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  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. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.