

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1497 City of Jacksonville, Duval County

SPONSOR(S): Duggan

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	16 Y, 0 N	Mwakyanjala	Miller
2) Regulatory Reform Subcommittee	14 Y, 0 N	Thompson	Anstead
3) State Affairs Committee	21 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 that serve only malt beverages and wine.

The bill creates and adds the Kings Avenue Commercial Corridor into the special zones created by special laws located in downtown Jacksonville. The bill creates an exception to the quota limitation and authorizes DBPR to issue a special food service license to a bona fide restaurant within Northside West, Northside East, and Kings Avenue Commercial Corridor in Jacksonville that meets the following requirements: occupies at least 1,000 square feet of contiguous space, is equipped to serve meals to at least 50 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages. Such licenses are subject to local zoning requirements and to any provision of the alcoholic beverage laws of the state and rules of the Division of Alcoholic Beverages and Tobacco not inconsistent within the bill.

According to the Economic Impact Statement, the bill is revenue positive due to the increase in sales tax revenue and licensing revenue if such special licenses are granted under the exception.

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.¹ 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.² 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.³

There are several exceptions to the quota license limitation,⁴ 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. A food service establishment may qualify for an exemption if the building has at least 2,500 square feet of service area, is equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.⁵

Alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.⁶ DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.⁷ 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 amends ch. 87-471, Laws of Florida,⁸ and creates and adds the Kings Avenue Commercial Corridor into the special zones located in downtown Jacksonville.

The bill permits DBPR to issue a special food service license to a bona fide restaurant within Northside West, Northside East, and Kings Avenue Commercial Corridor in Jacksonville that occupies at least 1,000 square feet of contiguous space, is equipped to serve meals to at least 50 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages. Licenses issued by DBPR are subject to local zoning requirements and to any provision of the alcoholic beverage laws of the state and rules of the Division not inconsistent within the bill.

The bill includes a complete legal description of the Kings Avenue Commercial Corridor and the area in which the exemption to the quota license will apply.

¹ S. 561.02, F.S.

² S. 561.20(1), F.S.

³ S. 565.02, F.S.

⁴ S. 561.20(2), F.S.

⁵ S. 561.20(2)(a)4., F.S. See Rule 61A-3.0141, F.A.C.

⁶ 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).

⁷ S. 561.01(11), F.S.

⁸ As amended by chs. 2011-255, 2016-248, and 2017-213, Laws of Fla.

According to the Economic Impact Statement, the bill is revenue positive due to the increase in sales tax revenue and licensing revenue if such special licenses are granted under the exception.

B. SECTION DIRECTORY:

Section 1: Amends ch. 87-471, Laws of Fla., as amended, creating and adding the Kings Avenue Commercial Corridor to the special zones located in downtown Jacksonville; providing a property description; and creating an exception to general law, providing space, seating and minimum gross revenues requirements for special alcoholic beverage licenses for restaurants within Northside West, Northside East, and Kings Avenue Commercial Corridor in Jacksonville.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 10, 2021.

WHERE? The *Jacksonville Daily Record*, a weekly newspaper published in Duval 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.