

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 13, 1998 Revised: _____

Subject: Beverage Law/Licensure Requirements

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|------------------|-----------------------|------------------|---------------------|
| 1. | <u>Rodriguez</u> | <u>Guthrie</u> | <u>RI</u> | <u>Favorable/CS</u> |
| 2. | <u>Schmith</u> | <u>Yeatman</u> | <u>CA</u> | <u>Favorable</u> |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

The bill provides that a new location for on-premises consumption of alcoholic beverages may not be located within 500 feet of a school unless the county or municipal government approves the location under quasi-judicial procedures used for other zoning decisions.

This bill substantially amends section 562.45 of the Florida Statutes.

II. Present Situation:

Section 286.0115, F.S., provides for quasi-judicial proceedings on local government land use matters. Specifically, s. 286.0115, F.S., prohibits a "local public official" from ex parte communication and requires any person, at the request of a party or party-intervenor, to be sworn in as a witness, to be subject to cross-examination by other parties or party-intervenors, and to be qualified as an expert witness if the person is attesting to be an expert. This section outlines procedures that remove the presumption of prejudice arising from ex parte communications and provides that any such communications be noted in a public forum and incorporated as part of the official record of the proceedings.

Currently, the place of location of an alcoholic beverage license is determined by the county or municipal government under s. 562.45, F.S., but no specific procedures are required in state law.

III. Effect of Proposed Changes:

The bill provides that a new location for on-premises consumption of alcoholic beverages may not be located within 500 feet of a public or private elementary, middle or secondary school unless the county or municipal government approves the location under quasi-judicial procedures used for

other zoning decisions. The applicant must show that the approval of the location promotes the public health, safety, and general welfare of the community. The provisions in this bill apply to any new applicant whose premises are not licensed as of July 1, 1998.

Section 2 provides that the act shall take effect on July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the number of locations that can be licensed for consumption of alcoholic beverages on the premises.

C. Government Sector Impact:

The requirement for a county or municipal government to conduct quasi-judicial proceedings will result in increased costs to the local governments in making these determinations, but the amount is undeterminable.

VI. Technical Deficiencies:

None.

VII.

The bill provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
