

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.)

BILL: SB 156

SPONSOR: Senator Hargrett

SUBJECT: Alcoholic Beverages/Near Schools

DATE: January 15, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wiehle</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable</u>
2.	_____	_____	<u>CA</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 s. 562.45, F.S.

II. Present Situation:

Currently, s. 562.45, F.S., leaves the regulation of the location of the place of business of a Beverage Law licensee to county or municipal ordinance, with no requirements as to any specific procedures for enactment of such ordinances.

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.

III. Effect of Proposed Changes:

The bill provides that no business licensed for on-premises consumption of alcoholic beverages may be located within 500 feet of a public or private elementary school, middle school, or secondary school, unless the county or municipality regulating its location approves the location as promoting the public health, safety, and general welfare of the community in a hearing held

under s. 286.0115, F.S., which provides quasi-judicial procedures used for other zoning decisions. The bill would not apply to premises licensed on or before its effective date, July 1, 1999.

The bill takes effect on July 1, 1999.

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 bill prohibits locating a business licensed for on-premises consumption of alcoholic beverages within 500 feet of a school unless the county or municipality regulating its location approves the location as promoting the public health, safety, and general welfare of the community. To the extent that some local governments are required to hold hearings to make such determinations, there will be an indeterminable increase in costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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