

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4045 Beverage Law

SPONSOR(S): Horner

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	13 Y, 0 N	Morton	Creamer
2) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 4045 would remove a requirement that the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation issue liquor licenses in duplicate. The division would be able to maintain a copy of the license, but would no longer be required to maintain a hard copy.

The bill is not expected to have a significant fiscal impact.

The bill provides that it will be effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In administering Florida's Beverage Law, the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation licenses anyone dealing with the manufacturing, bottling, distributing, or selling of alcoholic beverages.¹ Licensees fall into the following categories:²

Manufacturers:	Manufacture and distribute alcoholic beverages at wholesale to distributors.
Distributors:	Sell and distribute alcoholic beverages at wholesale to vendors.
Vendors:	Sell alcoholic beverages at retail only.
Brokers:	Also called sales agents, sell, or to cause to be distributed, alcoholic beverages to manufacturers or distributors.
Importers/exporters:	Sell, or to cause to be distributed, alcoholic beverages to manufacturers or distributors for use either in this state or outside the state.
Bottle clubs:	Establishments permitting the consumption of alcoholic beverages, which are brought onto the premises and not sold or supplied to the patrons by the establishment.

The division issues annual licenses provided applicants meet applicable licensure requirements and pay the requisite fees. Currently, s. 561.23, F.S., requires the division issue such licenses in duplicate. The division retains one copy and delivers the other to the licensee. The last time the statute was amended was to reduce the requirement from triplicate in 1993.³

According to the department:

The bill deletes the requirement for the division "to issue" duplicate copies of alcoholic beverage licenses. Since the original is still mailed to the licensee and the copy of the original, the duplicate, is now maintained electronically, there is no longer a need "to issue" or print another hard copy of each license. Thus reducing paper use and corresponding filing space needed for the hard copies. This change is part of the division's legislative proposals.

Proposed Changes

The bill would remove the requirement that the division issue liquor licenses in duplicate. The division would be able to maintain a copy of the license, but would no longer be required to maintain a hard copy.

B. SECTION DIRECTORY:

Section 1 amends s. 561.23, F.S., to remove a requirement that alcoholic beverage licenses be issued in duplicate.

Section 2 provides that it will be effective upon becoming law.

¹ Section 561.02, F.S.

² Section 561.14, F.S.

³ Section 4, ch. 93-134, L.O.F.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

To the extent that the division no longer prints and maintains hard copies of licenses, its costs could be reduced. Any impact is expected to be insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.