

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: HB 745 Aachua County
SPONSOR(S): Watson, C.
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N	Darden	Miller
2) Business & Professions Subcommittee	13 Y, 0 N	Thompson	Anstead
3) State Affairs Committee	23 Y, 0 N	Darden	Williamson

FINAL HOUSE FLOOR ACTION: **GOVERNOR'S ACTION:** Approved
114 **Y's** 1 **N's**

SUMMARY ANALYSIS

HB 745 passed the House on April 11, 2019, and subsequently passed the Senate on May 1, 2019.

Florida's Beverage Law places a limit on 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 an exception to s. 561.01(11), F.S., permitting businesses located within Celebration Pointe that are licensed to sell alcoholic beverages to patrons for consumption on the licensed premises to sell beverages to patrons for consumption off of the licensed premises, but still within Celebration Pointe as defined by the Alachua County Code of Ordinances.

The bill was approved by the Governor on May 10, 2019, ch. 2019-173, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Beverage Law

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 within the state of alcoholic beverages. 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 that sell malt beverages or wine. However, s. 561.20, F.S., 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.¹ 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.²

There are several exceptions to the quota license limitation, and businesses that meet the requirements set out in one of the exceptions pursuant to s. 561.20(2), F.S., may be issued a special license by DBPR that allows the business to serve any alcoholic beverages regardless of alcoholic content.

Pursuant to s. 561.01(11), F.S., alcoholic beverages sold for consumption on premises must be consumed inside the licensed premises.³ DBPR may approve a temporary expansion of the licensed premises to include a sidewalk or other outdoor area for special events.⁴ 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 an exception to s. 561.01(11), F.S., permitting businesses located within Celebration Pointe that are licensed to sell alcoholic beverages to patrons for consumption on the licensed premises to sell beverages to patrons for consumption off of the licensed premises, but still within Celebration Pointe as defined by the Alachua County Code of Ordinances. The bill does not require such sales to occur during any special event or specified timeframe.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ S. 561.20(1), F.S.

² S. 565.02, F.S.

³ 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).

⁴ S. 561.01(11), F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 9, 2019.

WHERE? The *Gainesville Sun*, a daily newspaper of general circulation published in Alachua County, Florida.

E. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?