

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 1645 City of Freeport, Walton County
SPONSOR(S): Local Administration & Veterans Affairs Subcommittee; Drake
TIED BILLS: **IDEN./SIM. BILLS:**

FINAL HOUSE FLOOR ACTION: 112 Y's 1 N's **GOVERNOR'S ACTION:** Pending

SUMMARY ANALYSIS

CS/HB 1645 passed the House on April 20, 2021, as amended, and subsequently passed the Senate on April 29, 2021.

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. 561.20(2), F.S., authorizing DBPR to designate property as a specialty center within the City of Freeport if a minimum of 25 acres adjacent to the specialty center was donated to the Walton County School Board and at the time of the donation the specialty center property and the donated property were owned by the same entity or an entity with common ownership. The specialty center may not comprise more than 15 acres.

The bill creates an exception to ss. 562.45 and 561.01(11), F.S., providing that alcoholic beverages sold for consumption on the premises of a specialty center by a vendor may be consumed anywhere within the specialty center. Additionally, an applicant for an alcoholic beverage license to be located in a specialty center may not be denied licensure based solely on distance from educational facilities if the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the school is at least 1,000 feet.

According to the Economic Impact Statement filed for the bill, entities will incur minimal costs associated with the implementation of the special use district.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Alcoholic Beverage Licensing

The Division of Alcoholic Beverages and Tobacco (DABT) 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 under Florida's Beverage Law.¹

The Beverage Law does not limit the number of licenses DABT may issue to businesses who wish to sell malt beverages or wine.² However, the Beverage Law limits the number of licenses that may be issued allowing a business to sell any alcoholic beverage regardless of alcoholic content, including liquor or distilled spirits.³ This license, often referred to as a "quota license," is limited 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.⁴

There are several exceptions to the quota license limitation, and businesses meeting the requirements set out in statute⁵ may be issued a special license by DBPR allowing the business to serve any alcoholic beverages regardless of alcoholic content.

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.

Florida counties and unincorporated municipalities may enact ordinances regulating the location of alcohol beverage businesses, including requiring a certain minimum distance separation between alcohol licenses of similar types; or alcohol establishments and places of worship, schools, municipal buildings, or parks.⁸ Unless otherwise regulated by local law, no on premise alcohol establishment can be located within 500 feet of the real property comprising a public or private elementary school, middle school, or secondary school.⁹

The City of Freeport prohibits the sale or distribution of beer, wine, liquor, or other alcoholic beverages within the corporate limits of the city within 1,000 feet of any church or school.¹⁰

Effect of the Bill

¹ Chs. 561-565 and 567-568, F.S.

² See ss. 563.02 and 564.02, F.S.

³ S. 561.20(1), F.S. See s. 565.02(1)(a)-(f), F.S.

⁴ S. 561.20(1), F.S.

⁵ S. 561.20(2), F.S.

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 S. 562.45(2)(a), F.S.

⁹ *Id.*

¹⁰ City of Freeport Code of Ordinances, ch. 3, s. 3-2(a). The City measures 1,000 feet by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the business to the nearest point of school facilities. See Code of Ordinances, ch. 3, s. 3-2(b).

The bill proposes designating property as a specialty center within the City of Freeport. The specialty center will include retail shops, restaurants, and an outdoor music venue. The specialty center will be located within 500 feet of a proposed school.¹¹

The bill creates an exception to s. 561.20(2), F.S., authorizing DBPR to designate property as a specialty center within the City of Freeport if a minimum of 25 acres adjacent to the specialty center was donated to the Walton County School Board and at the time of the donation the specialty center property and the donated property were owned by the same entity or an entity with common ownership. The specialty center may not comprise more than 15 acres.

The bill creates an exception to ss. 562.45 and 561.01(11), F.S., providing that alcoholic beverages sold for consumption on the premises of a specialty center by a vendor may be consumed anywhere within the specialty center. Additionally, an applicant for an alcoholic beverage license to be located in a specialty center may not be denied licensure based solely on distance from educational facilities if the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of the place of business to the main entrance of the school is at least 1,000 feet.

According to the Economic Impact Statement filed for the bill, entities will incur minimal costs associated with the implementation of the special use district.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

According to the Economic Impact Statement filed for the bill, entities will incur minimal costs associated with the implementation of the special use district.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes No

D. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 27, 2021

WHERE? *Defuniak Springs Herald Breeze*, a newspaper published in Walton County, FL.

E. REFERENDUM(S) REQUIRED? Yes No

¹¹ A map of the proposed specialty district is attached as Exhibit A.

IF YES, WHEN?

Exhibit A

