



Business & Professions Subcommittee

**Thursday, September 17, 2015
3:00 PM
12 HOB**

MEETING PACKET

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Business & Professions Subcommittee

Start Date and Time: Thursday, September 17, 2015 03:00 pm
End Date and Time: Thursday, September 17, 2015 05:00 pm
Location: 12 HOB
Duration: 2.00 hrs

Update on Expedited Concealed Weapon License Applications for Active Military and Veterans – Department of Agriculture and Consumer Services

Status of Powdered Alcohol in Florida – Department of Business and Professional Regulation

Overview of Local Regulatory Options for Alcoholic Beverages – Department of Business and Professional Regulation

NOTICE FINALIZED on 09/10/2015 13:25 by Ellinor.Martha



The Florida House of Representatives

Regulatory Affairs Committee

Business & Professions Subcommittee

Steve Crisafulli
Speaker

Halsey Beshears
Chair

AGENDA

September 17, 2015
12 House Office Building
3 PM – 5 PM

- I. Call to Order & Roll Call
- II. Introductory Remarks
- III. Update on Expedited Concealed Weapon License Applications for Active Military and Veterans – Department of Agriculture and Consumer Services (DACS)
 - Grea Bevis, Director, Division of Licensing (DACS)
- IV. Status of Powdered Alcohol in Florida – Department of Business and Professional Regulation (DBPR)
 - Andrew Fier, Deputy General Counsel (DBPR)
- V. Overview of Local Regulatory Options for Alcoholic Beverages - Department of Business and Professional Regulation (DBPR)
 - Andrew Fier, Deputy General Counsel (DBPR)
- VI. Adjournment

Florida Department of
Business
Professional
Regulation



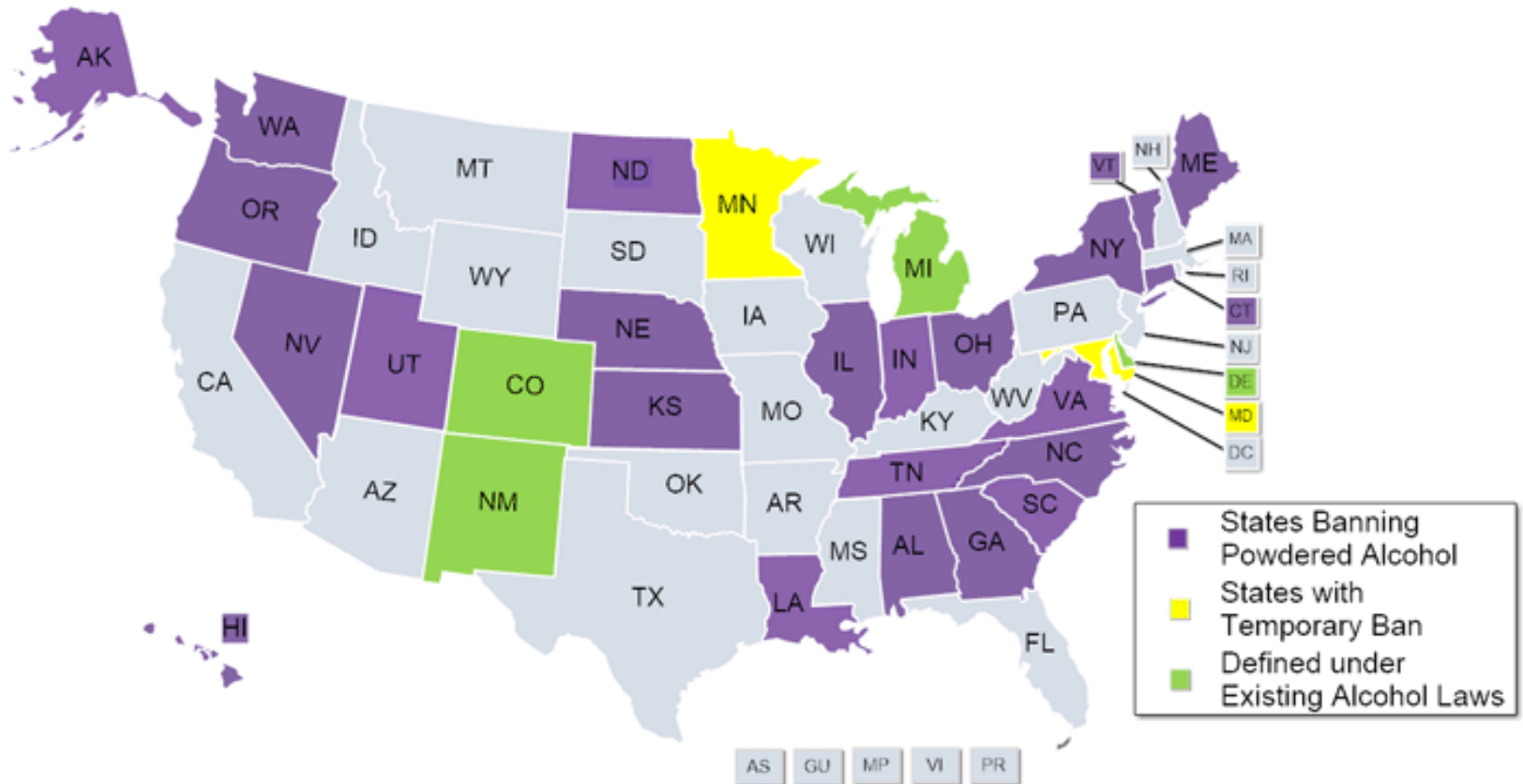
License efficiently. Regulate fairly.

Ken Lawson
Secretary

Powdered Alcohol

- Jurisdictional Issues:
 - On March 10, 2015, the federal Tax and Trade Bureau (TTB) announced the issuance of Certificates of Label Approval for a brand of powdered alcohol known as Palcohol.
 - Section 565.01, Florida Statutes, defines liquor as a “substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.”
 - This definition may include powdered distilled spirits.
- Is powdered alcohol being sold in the State of Florida?
 - To date, no powdered alcohol brands have been registered for sale in Florida.
 - Registration of liquor brands or labels is required per Rule 61A-4.005, F.A.C.
- States with recent legislation banning powdered alcohol:
 - Alabama, Connecticut, Hawaii, Illinois, Indiana, Kansas, Maine, Maryland, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Utah, Virginia, Washington

Current State Legislation



Source: NATIONAL CONFERENCE OF STATE LEGISLATURES, POWDERED ALCOHOL 2015 LEGISLATION (2015), available at <http://www.ncsl.org/research/financial-services-and-commerce/powdered-alcohol-2015-legislation.aspx>

Questions?

Local Regulatory Options for Alcoholic Beverages

Section 562.14 ,Florida Statutes, generally regulates when the sale of alcoholic and intoxicating beverages is allowed. This language has existed in varying forms since 1935.

“Except as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, etc. in any place holding a license under the division between the hours of midnight and 7 a.m. of the following day.”

Constitutional Authority

- Local Government:

Non Charter Governments: Counties not operating under county charters shall have such power of self-government as is provided by general or specific law... Fla. CONST art. VIII,§(1)(f).

Charter Governments: Counties operating under county charters shall have all powers of local self-government not inconsistent with general law... Fla. CONST art. VIII,§(1)(g).

Municipalities: Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any other power for municipal purposes except as otherwise provided by law. Fla. CONST art. VIII,§(2)(b).

- Local Option:

Local option on the legality of the sale of intoxicating liquors, wines or beers shall be preserved to each county....

Fla. CONST art. VIII,§(5)(a).

Local Ordinances

The majority of Florida's local governments have ordinances permissibly deviating from s. 562.14, F.S.

Examples:

- Leon County
 - All sales are prohibited between 2:00 a.m. and 7:00 a.m.
- Alachua County
 - Package sales of malt beverages or unfortified wine prohibited between 2:00 a.m. and 7:00 a.m., and all other package sales of alcoholic beverage prohibited between 11:00 p.m. and 7:00 a.m.
 - Sales at a business or club are prohibited between 2:00 a.m. and 7:00 a.m., Tuesday through Saturday. On Sunday, sales are prohibited between 2:00 a.m. and 1:00 p.m. On Monday, sales are prohibited between 11:00 p.m. and 7:00 a.m.
- Panama City
 - Sale prohibited between 4:00 a.m. and 7:00 a.m., though beer and wine may be sold for off-premises consumption between 4:00 a.m. and 7:00 a.m.

Dry Counties:

- Three counties (Lafayette, Liberty, and Washington) restrict the sale of intoxicating beverages. Sales are limited to products with no more than 6.243% of alcohol by volume or 5% by weight (excludes liquor products and high alcohol content beer and wines).
- Three counties (Calhoun, Holmes, and Jackson) limit alcoholic beverage sales not by volume or percentage of alcohol, but instead limit sales to package stores only.

Questions?