

By Senator Jones

40-1217-99

See CS/HB 95

1 A bill to be entitled
2 An act relating to alcoholic beverage licenses;
3 amending s. 561.01, F.S.; defining the term
4 "historic structures"; amending s. 561.20,
5 F.S.; providing for the issuance of special
6 alcoholic beverage licenses to certain hotels
7 and motels with no fewer than 10 and no more
8 than 25 guest rooms in municipalities which are
9 within a specified population range; providing
10 an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (21) is added to s. 561.01,
15 Florida Statutes, to read:

16 561.01 Definitions.--As used in the Beverage Law:
17 (21) For purposes of license qualification pursuant to
18 s. 561.20(2)(a)1. the term "historic structure" means a
19 structure which is listed on the National Register of Historic
20 Places pursuant to the National Historic Preservation Act of
21 1966, or is within and contributes to a registered historic
22 district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been
23 found to meet the criteria of historical significance of the
24 Division of Historical Resources of the Department of State,
25 as certified by that division or by a locally established
26 historic preservation board or commission, or like body, which
27 has been granted authority to designate historically
28 significant properties by the jurisdiction within which the
29 hotel or motel is located.

30 Section 2. Paragraph (a) of subsection (2) of section
31 561.20, Florida Statutes, is amended to read:

1 561.20 Limitation upon number of licenses issued.--

2 (2)(a) No such limitation of the number of licenses as
3 herein provided shall henceforth prohibit the issuance of a
4 special license to:

5 1. Any bona fide hotel, motel, or motor court of not
6 fewer than 80 guest rooms in any county having a population of
7 less than 50,000 residents, and of not fewer than 100 guest
8 rooms in any county having a population of 50,000 residents or
9 greater; or any bona fide hotel or motel located in a historic
10 structure, as defined in s. 561.01(21), with ~~of~~ fewer than 100
11 guest rooms which derives at least 51 percent of its gross
12 revenue from the rental of hotel or motel rooms, which is
13 licensed as a public lodging establishment by the Division of
14 Hotels and Restaurants; provided, however, that a bona fide
15 hotel or motel with no fewer than 10 and no more than 25 guest
16 rooms which is located in a historic structure, as defined in
17 s. 561.01(21), in municipalities with a population of no fewer
18 than 25,000 and no more than 50,000 residents, may be issued a
19 special license. This special license shall allow the sale
20 and consumption of alcoholic beverages only on the licensed
21 premises of the hotel or motel. In addition, the hotel or
22 motel must derive at least 60 percent of its gross revenue
23 from the rental of hotel or motel rooms and the sale of food
24 and nonalcoholic beverages; ~~and which is listed on the~~
25 National Register of Historic Places pursuant to the National
26 Historic Preservation Act of 1966, or is within and
27 contributes to a registered historic district pursuant to 26
28 U.S.C. s. 48(g)(3)(B), or has been found to meet the criteria
29 of historical significance of the Division of Historical
30 Resources of the Department of State, as certified by that
31 division or by a locally established historic preservation

1 ~~board or commission, or like body, which has been granted~~
2 ~~authority to designate historically significant properties by~~
3 ~~the jurisdiction within which the hotel or motel is located;~~
4 provided that the provisions of this subparagraph shall
5 supersede local laws requiring a greater number of hotel
6 rooms;

7 2. Any condominium accommodation of which no fewer
8 than 100 condominium units are wholly rentable to transients
9 and which is licensed under the provisions of chapter 509,
10 except that the license shall be issued only to the person or
11 corporation which operates the hotel or motel operation and
12 not to the association of condominium owners;

13 3. Any condominium accommodation of which no fewer
14 than 50 condominium units are wholly rentable to transients,
15 which is licensed under the provisions of chapter 509, and
16 which is located in any county having home rule under s. 10 or
17 s. 11, Art. VIII of the State Constitution of 1885, as
18 amended, and incorporated by reference in s. 6(e), Art. VIII
19 of the State Constitution, except that the license shall be
20 issued only to the person or corporation which operates the
21 hotel or motel operation and not to the association of
22 condominium owners; or

23 4. Any restaurant having 2,500 square feet of service
24 area and equipped to serve 150 persons full course meals at
25 tables at one time, and deriving at least 51 percent of its
26 gross revenue from the sale of food and nonalcoholic
27 beverages; however, no restaurant granted a special license on
28 or after January 1, 1958, pursuant to general or special law
29 shall operate as a package store, nor shall intoxicating
30 beverages be sold under such license after the hours of
31 serving food have elapsed. However, any license heretofore

1 issued to any such hotel, motel, motor court, or restaurant or
2 hereafter issued to any such hotel, motel, or motor court,
3 including a condominium accommodation, under the general law
4 shall not be moved to a new location, such license being valid
5 only on the premises of such hotel, motel, motor court, or
6 restaurant. Licenses issued to hotels, motels, motor courts,
7 or restaurants under the general law and held by such hotels,
8 motels, motor courts, or restaurants on May 24, 1947, shall be
9 counted in the quota limitation contained in subsection (1).
10 Any license issued for any hotel, motel, or motor court under
11 the provisions of this law shall be issued only to the owner
12 of the hotel, motel, or motor court or, in the event the
13 hotel, motel, or motor court is leased, to the lessee of the
14 hotel, motel, or motor court; and the license shall remain in
15 the name of the owner or lessee so long as the license is in
16 existence. Any special license now in existence heretofore
17 issued under the provisions of this law cannot be renewed
18 except in the name of the owner of the hotel, motel, motor
19 court, or restaurant or, in the event the hotel, motel, motor
20 court, or restaurant is leased, in the name of the lessee of
21 the hotel, motel, motor court, or restaurant in which the
22 license is located and must remain in the name of the owner or
23 lessee so long as the license is in existence. Any license
24 issued under this section shall be marked "Special," and
25 nothing herein provided shall limit, restrict, or prevent the
26 issuance of a special license for any restaurant or motel
27 which shall hereafter meet the requirements of the law
28 existing immediately prior to the effective date of this act,
29 if construction of such restaurant has commenced prior to the
30 effective date of this act and is completed within 30 days
31 thereafter, or if an application is on file for such special

1 license at the time this act takes effect; and any such
2 licenses issued under this proviso may be annually renewed as
3 now provided by law. Nothing herein prevents an application
4 for transfer of a license to a bona fide purchaser of any
5 hotel, motel, motor court, or restaurant by the purchaser of
6 such facility or the transfer of such license pursuant to law.

7 Section 3. This act shall take effect upon becoming a
8 law.

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11 LEGISLATIVE SUMMARY

12 Defines the term "historic structure" for purposes of
13 qualifications for alcoholic beverage licenses. Provides
14 for the issuance of special alcoholic beverage licenses
to certain hotels and motels within certain
municipalities.

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