

By the Committee on Regulated Industries and Senator Jones

315-1999-99

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 within
9 constitutionally chartered counties which are
10 within a specified population range; revising
11 the definition of a specialty center to include
12 specified shopping malls; limiting consumption
13 of alcoholic beverages within specialty
14 centers; providing an effective date.

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

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18 Section 1. Subsection (21) is added to section 561.01,
19 Florida Statutes, to read:

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

1 significant properties by the jurisdiction within which the
2 hotel or motel is located.

3 Section 2. Paragraphs (a) and (b) of subsection (2) of
4 section 561.20, Florida Statutes, are amended to read:

5 561.20 Limitation upon number of licenses issued.--

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

9 1. Any bona fide hotel, motel, or motor court of not
10 fewer than 80 guest rooms in any county having a population of
11 less than 50,000 residents, and of not fewer than 100 guest
12 rooms in any county having a population of 50,000 residents or
13 greater; or any bona fide hotel or motel located in a historic
14 structure, as defined in s. 561.01(21), with ~~of~~ fewer than 100
15 guest rooms which derives at least 51 percent of its gross
16 revenue from the rental of hotel or motel rooms, which is
17 licensed as a public lodging establishment by the Division of
18 Hotels and Restaurants; provided, however, that a bona fide
19 hotel or motel with no fewer than 10 and no more than 25 guest
20 rooms which is a historic structure, as defined in s.
21 561.01(21), in a municipality that on the effective date of
22 this act has a population, according to the University of
23 Florida's Bureau of Economic and Business Research Estimates
24 of Population for 1998, of no fewer than 25,000 and no more
25 than 35,000 residents and that is within a constitutionally
26 chartered county may be issued a special license. This
27 special license shall allow the sale and consumption of
28 alcoholic beverages only on the licensed premises of the hotel
29 or motel. In addition, the hotel or motel must derive at
30 least 60 percent of its gross revenue from the rental of hotel
31 or motel rooms and the sale of food and nonalcoholic

1 ~~beverages;~~ and which is listed on the National Register of
2 Historic Places pursuant to the National Historic Preservation
3 Act of 1966, or is within and contributes to a registered
4 historic district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has
5 been found to meet the criteria of historical significance of
6 the Division of Historical Resources of the Department of
7 State, as certified by that division or by a locally
8 established historic preservation board or commission, or like
9 body, which has been granted authority to designate
10 historically significant properties by the jurisdiction within
11 which the hotel or motel is located; provided that the
12 provisions of this subparagraph shall supersede local laws
13 requiring a greater number of hotel rooms;

14 2. Any condominium accommodation of which no fewer
15 than 100 condominium units are wholly rentable to transients
16 and which is licensed under the provisions of chapter 509,
17 except that the license shall be issued only to the person or
18 corporation which operates the hotel or motel operation and
19 not to the association of condominium owners;

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

30 4. Any restaurant having 2,500 square feet of service
31 area and equipped to serve 150 persons full course meals at

1 tables at one time, and deriving at least 51 percent of its
2 gross revenue from the sale of food and nonalcoholic
3 beverages; however, no restaurant granted a special license on
4 or after January 1, 1958, pursuant to general or special law
5 shall operate as a package store, nor shall intoxicating
6 beverages be sold under such license after the hours of
7 serving food have elapsed. However, any license heretofore
8 issued to any such hotel, motel, motor court, or restaurant or
9 hereafter issued to any such hotel, motel, or motor court,
10 including a condominium accommodation, under the general law
11 shall not be moved to a new location, such license being valid
12 only on the premises of such hotel, motel, motor court, or
13 restaurant. Licenses issued to hotels, motels, motor courts,
14 or restaurants under the general law and held by such hotels,
15 motels, motor courts, or restaurants on May 24, 1947, shall be
16 counted in the quota limitation contained in subsection (1).
17 Any license issued for any hotel, motel, or motor court under
18 the provisions of this law shall be issued only to the owner
19 of the hotel, motel, or motor court or, in the event the
20 hotel, motel, or motor court is leased, to the lessee of the
21 hotel, motel, or motor court; and the license shall remain in
22 the name of the owner or lessee so long as the license is in
23 existence. Any special license now in existence heretofore
24 issued under the provisions of this law cannot be renewed
25 except in the name of the owner of the hotel, motel, motor
26 court, or restaurant or, in the event the hotel, motel, motor
27 court, or restaurant is leased, in the name of the lessee of
28 the hotel, motel, motor court, or restaurant in which the
29 license is located and must remain in the name of the owner or
30 lessee so long as the license is in existence. Any license
31 issued under this section shall be marked "Special," and

1 nothing herein provided shall limit, restrict, or prevent the
2 issuance of a special license for any restaurant or motel
3 which shall hereafter meet the requirements of the law
4 existing immediately prior to the effective date of this act,
5 if construction of such restaurant has commenced prior to the
6 effective date of this act and is completed within 30 days
7 thereafter, or if an application is on file for such special
8 license at the time this act takes effect; and any such
9 licenses issued under this proviso may be annually renewed as
10 now provided by law. Nothing herein prevents an application
11 for transfer of a license to a bona fide purchaser of any
12 hotel, motel, motor court, or restaurant by the purchaser of
13 such facility or the transfer of such license pursuant to law.

14 (b) Any county in which special licenses were issued
15 under the provisions of s. 561.20(2)(b) in effect prior to the
16 effective date of this act shall continue to qualify for such
17 licenses pursuant to those provisions in effect prior to the
18 effective date of this act, and shall not be affected by the
19 provisions of paragraph (a), except that in such counties, any
20 restaurant located in a specialty center built on
21 governmentally owned land shall be subject to the provisions
22 of paragraph (a). A specialty center means any development
23 that is located adjacent to a navigable water body and has
24 ~~having~~ at least 50,000 square feet of leasable area,
25 containing restaurants, entertainment facilities, and
26 specialty shops, or any enclosed shopping mall that has at
27 least 150,000 square feet of leasable area containing
28 restaurants, entertainment facilities, movie theaters with at
29 least 18 operating screens, and specialty shops ~~and located~~
30 ~~adjacent to a navigable water body~~. Alcoholic beverages sold
31 for consumption on the premises by a vendor in a specialty

1 center may be consumed in designated areas within the
2 specialty center but may not be removed from such premises.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 1444

9 Provides that a special alcoholic beverage license may be
10 issued to certain historic hotels located in a municipality
11 that is within a "constitutionally chartered county" and that
12 has a population, on the effective date of the act, of no
13 fewer than 25,000 and no more than 35,000 residents (according
14 to the University of Florida's Bureau of Economic and Business
15 Research Estimates of Population for 1998); and

16 Creates a new category of specialty center and limits
17 consumption of alcoholic beverages within any specialty center
18 to designated areas within the center.
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