

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; limiting
12 consumption of alcoholic beverages within
13 specialty centers; requiring compliance with
14 requirements and restrictions contained in the
15 Beverage Law for licenses issued under a local
16 or special act; providing an effective date.

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

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

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

1 historic preservation board or commission, or like body, which
2 has been granted authority to designate historically
3 significant properties by the jurisdiction within which the
4 hotel or motel is located.

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

8 561.20 Limitation upon number of licenses issued.--

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

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

1 or motel. In addition, the hotel or motel must derive at
2 least 60 percent of its gross revenue from the rental of hotel
3 or motel rooms and the sale of food and nonalcoholic
4 beverages; ~~and which is listed on the National Register of~~
5 ~~Historic Places pursuant to the National Historic Preservation~~
6 ~~Act of 1966, or is within and contributes to a registered~~
7 ~~historic district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has~~
8 ~~been found to meet the criteria of historical significance of~~
9 ~~the Division of Historical Resources of the Department of~~
10 ~~State, as certified by that division or by a locally~~
11 ~~established historic preservation board or commission, or like~~
12 ~~body, which has been granted authority to designate~~
13 ~~historically significant properties by the jurisdiction within~~
14 ~~which the hotel or motel is located;~~ provided that the
15 provisions of this subparagraph shall supersede local laws
16 requiring a greater number of hotel rooms;

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

23 3. Any condominium accommodation of which no fewer
24 than 50 condominium units are wholly rentable to transients,
25 which is licensed under the provisions of chapter 509, and
26 which is located in any county having home rule under s. 10 or
27 s. 11, Art. VIII of the State Constitution of 1885, as
28 amended, and incorporated by reference in s. 6(e), Art. VIII
29 of the State Constitution, except that the license shall be
30 issued only to the person or corporation which operates the
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1 hotel or motel operation and not to the association of
2 condominium owners; or
3 4. Any restaurant having 2,500 square feet of service
4 area and equipped to serve 150 persons full course meals at
5 tables at one time, and deriving at least 51 percent of its
6 gross revenue from the sale of food and nonalcoholic
7 beverages; however, no restaurant granted a special license on
8 or after January 1, 1958, pursuant to general or special law
9 shall operate as a package store, nor shall intoxicating
10 beverages be sold under such license after the hours of
11 serving food have elapsed. However, any license heretofore
12 issued to any such hotel, motel, motor court, or restaurant or
13 hereafter issued to any such hotel, motel, or motor court,
14 including a condominium accommodation, under the general law
15 shall not be moved to a new location, such license being valid
16 only on the premises of such hotel, motel, motor court, or
17 restaurant. Licenses issued to hotels, motels, motor courts,
18 or restaurants under the general law and held by such hotels,
19 motels, motor courts, or restaurants on May 24, 1947, shall be
20 counted in the quota limitation contained in subsection (1).
21 Any license issued for any hotel, motel, or motor court under
22 the provisions of this law shall be issued only to the owner
23 of the hotel, motel, or motor court or, in the event the
24 hotel, motel, or motor court is leased, to the lessee of the
25 hotel, motel, or motor court; and the license shall remain in
26 the name of the owner or lessee so long as the license is in
27 existence. Any special license now in existence heretofore
28 issued under the provisions of this law cannot be renewed
29 except in the name of the owner of the hotel, motel, motor
30 court, or restaurant or, in the event the hotel, motel, motor
31 court, or restaurant is leased, in the name of the lessee of

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

18 (b) Any county in which special licenses were issued
19 under the provisions of s. 561.20(2)(b) in effect prior to the
20 effective date of this act shall continue to qualify for such
21 licenses pursuant to those provisions in effect prior to the
22 effective date of this act, and shall not be affected by the
23 provisions of paragraph (a), except that in such counties, any
24 restaurant located in a specialty center built on
25 governmentally owned land shall be subject to the provisions
26 of paragraph (a).

27 1. A specialty center means any development having at
28 least 50,000 square feet of leasable area, containing
29 restaurants, entertainment facilities, and specialty shops,
30 and located adjacent to a navigable water body. Alcoholic
31 beverages sold for consumption on the premises by a vendor in

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

3 2. A specialty center also means any enclosed
4 development that has at least 170,000 square feet of leasable
5 area that is under the dominion and physical control of the
6 owner or manager of the enclosed development, containing
7 restaurants, entertainment facilities, specialty shops, and a
8 movie theater with at least 18 operating screens. Alcoholic
9 beverages sold for consumption on the premises by a vendor in
10 a specialty center may be consumed only in areas designated
11 pursuant to s. 561.01(11) and may not be removed from the
12 designated area.

13 (4) The limitations herein prescribed shall not affect
14 or repeal any existing or future local or special act relating
15 to the limitation by population and exceptions or exemptions
16 from such limitation by population of such licenses within any
17 incorporated city or town or county that may be in conflict
18 herewith. Any license issued under a local or special act
19 relating to the limitation by population shall be subject to
20 all requirements and restrictions contained in the Beverage
21 Law that are applicable to licenses issued under subsection
22 (1).

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

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