

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; amending s. 267.081, F.S.;  
17          providing for disposition of moneys received by  
18          the Division of Historical Resources of the  
19          Department of State from the sale of  
20          publications; providing an effective date.

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

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

26           561.01 Definitions.--As used in the Beverage Law:  
27           (21) For purposes of license qualification pursuant to  
28 s. 561.20(2)(a)1. the term "historic structure" means a  
29 structure that is listed on the National Register of Historic  
30 Places pursuant to the National Historic Preservation Act of  
31 1966, or is within and contributes to a registered historic

1 district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been  
2 found to meet the criteria of historical significance of the  
3 Division of Historical Resources of the Department of State,  
4 as certified by that division or by a locally established  
5 historic preservation board or commission, or like body, which  
6 has been granted authority to designate historically  
7 significant properties by the jurisdiction within which the  
8 hotel or motel is located.

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

12           561.20 Limitation upon number of licenses issued.--

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

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

1 than 35,000 residents and that is within a constitutionally  
2 chartered county may be issued a special license. This  
3 special license shall allow the sale and consumption of  
4 alcoholic beverages only on the licensed premises of the hotel  
5 or motel. In addition, the hotel or motel must derive at  
6 least 60 percent of its gross revenue from the rental of hotel  
7 or motel rooms and the sale of food and nonalcoholic  
8 beverages; ~~and which is listed on the National Register of~~  
9 ~~Historic Places pursuant to the National Historic Preservation~~  
10 ~~Act of 1966, or is within and contributes to a registered~~  
11 ~~historic district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has~~  
12 ~~been found to meet the criteria of historical significance of~~  
13 ~~the Division of Historical Resources of the Department of~~  
14 ~~State, as certified by that division or by a locally~~  
15 ~~established historic preservation board or commission, or like~~  
16 ~~body, which has been granted authority to designate~~  
17 ~~historically significant properties by the jurisdiction within~~  
18 ~~which the hotel or motel is located;~~ provided that the  
19 provisions of this subparagraph shall supersede local laws  
20 requiring a greater number of hotel rooms;

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

27         3. Any condominium accommodation of which no fewer  
28 than 50 condominium units are wholly rentable to transients,  
29 which is licensed under the provisions of chapter 509, and  
30 which is located in any county having home rule under s. 10 or  
31 s. 11, Art. VIII of the State Constitution of 1885, as

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

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

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

30 1. A specialty center means any development having at  
31 least 50,000 square feet of leasable area, containing

1 restaurants, entertainment facilities, and specialty shops,  
2 and located adjacent to a navigable water body. Alcoholic  
3 beverages sold for consumption on the premises by a vendor in  
4 a specialty center may be consumed within the specialty center  
5 but may not be removed from such premises.

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

16 (4) The limitations herein prescribed shall not affect  
17 or repeal any existing or future local or special act relating  
18 to the limitation by population and exceptions or exemptions  
19 from such limitation by population of such licenses within any  
20 incorporated city or town or county that may be in conflict  
21 herewith. Any license issued under a local or special act  
22 relating to the limitation by population shall be subject to  
23 all requirements and restrictions contained in the Beverage  
24 Law that are applicable to licenses issued under subsection  
25 (1).

26 Section 3. Subsection (4) is added to section 267.081,  
27 Florida Statutes, to read:

28 267.081 Publications.--It is the duty of the division  
29 to:

30 (4) Hold any moneys received from the sale of  
31 publications by the division in the operating trust fund of

1 the division or in a separate depository account in the name  
2 of a citizen-support organization formed pursuant to s. 267.17  
3 and subject to the provision of a letter of agreement with the  
4 division.

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

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