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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:

23
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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