

By Representative Cosgrove

1 A bill to be entitled
2 An act relating to alcoholic beverage licenses;
3 amending s. 561.20, F.S.; providing for the
4 issuance of special alcoholic beverage licenses
5 to certain hotels and motels with fewer than 50
6 rooms; providing an effective date.

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

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10 Section 1. Paragraph (a) of subsection (2) of section
11 561.20, Florida Statutes, is 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, provided that a bona fide hotel or motel of fewer
21 than 50 guest rooms may be issued a special license for
22 consumption on the premises if the hotel or motel is located
23 in a historic structure and submits an application for a
24 special license which is accompanied by a letter from the
25 municipality or county having jurisdiction over the historic
26 structure indicating the fact that the hotel or motel is
27 located in the historic structure; or any bona fide hotel or
28 motel of fewer than 100 guest rooms which derives at least 51
29 percent of its gross revenue from the rental of hotel or motel
30 rooms, which is licensed as a public lodging establishment by
31 the Division of Hotels and Restaurants, and which is listed on

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

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18 HOUSE SUMMARY

19 Revises a provision of law governing the issuance of
20 special alcoholic beverage licenses to permit the
21 issuance of such a license to described hotels which have
22 fewer than 50 guest rooms and are located in historic
23 structures.
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