

By the Committees on Business Development & International Trade, Regulated Services and Representatives Cosgrove and Sorensen

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; providing
12 an effective date.

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

16 Section 1. Subsection (21) is added to s. 561.01,
17 Florida Statutes, to read:

18 561.01 Definitions.--As used in the Beverage Law:
19 (21) For purposes of license qualification pursuant to
20 s. 561.20(2)(a)1. the term "historic structure" means a
21 structure which is listed on the National Register of Historic
22 Places pursuant to the National Historic Preservation Act of
23 1966, or is within and contributes to a registered historic
24 district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been
25 found to meet the criteria of historical significance of the
26 Division of Historical Resources of the Department of State,
27 as certified by that division or by a locally established
28 historic preservation board or commission, or like body, which
29 has been granted authority to designate historically
30 significant properties by the jurisdiction within which the
31 hotel or motel is located.

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

3 561.20 Limitation upon number of licenses issued.--

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

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

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

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

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

28 4. Any restaurant having 2,500 square feet of service
29 area and equipped to serve 150 persons full course meals at
30 tables at one time, and deriving at least 51 percent of its
31 gross revenue from the sale of food and nonalcoholic

1 beverages; however, no restaurant granted a special license on
2 or after January 1, 1958, pursuant to general or special law
3 shall operate as a package store, nor shall intoxicating
4 beverages be sold under such license after the hours of
5 serving food have elapsed. However, any license heretofore
6 issued to any such hotel, motel, motor court, or restaurant or
7 hereafter issued to any such hotel, motel, or motor court,
8 including a condominium accommodation, under the general law
9 shall not be moved to a new location, such license being valid
10 only on the premises of such hotel, motel, motor court, or
11 restaurant. Licenses issued to hotels, motels, motor courts,
12 or restaurants under the general law and held by such hotels,
13 motels, motor courts, or restaurants on May 24, 1947, shall be
14 counted in the quota limitation contained in subsection (1).
15 Any license issued for any hotel, motel, or motor court under
16 the provisions of this law shall be issued only to the owner
17 of the hotel, motel, or motor court or, in the event the
18 hotel, motel, or motor court is leased, to the lessee of the
19 hotel, motel, or motor court; and the license shall remain in
20 the name of the owner or lessee so long as the license is in
21 existence. Any special license now in existence heretofore
22 issued under the provisions of this law cannot be renewed
23 except in the name of the owner of the hotel, motel, motor
24 court, or restaurant or, in the event the hotel, motel, motor
25 court, or restaurant is leased, in the name of the lessee of
26 the hotel, motel, motor court, or restaurant in which the
27 license is located and must remain in the name of the owner or
28 lessee so long as the license is in existence. Any license
29 issued under this section shall be marked "Special," and
30 nothing herein provided shall limit, restrict, or prevent the
31 issuance of a special license for any restaurant or motel

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

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

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