

CHAPTER 2011-246

House Bill No. 657

An act relating to Martin County; amending chapter 63-1619, Laws of Florida, as amended; limiting the issuance of special alcoholic beverage licenses to restaurants that serve a certain number of patrons, occupy a certain amount of floor space, and are located within the legal boundaries of the community redevelopment areas of the county; providing an effective date.

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

Section 1. Section 1 of chapter 63-1619, Laws of Florida, as amended by chapter 91-389, Laws of Florida, is amended to read:

Section 1. Except within the corporate limits of the City of Stuart, Florida, no limitation, under the provisions of section 561.20(1), Florida Statutes, for issuance of alcoholic beverage licenses under provisions of section 565.02(1)(a)-(f), Florida Statutes, inclusive, shall henceforth prohibit the issuance of a special license in Martin County, Florida, to any bona fide hotel, motel, or motor court ~~of not less than fifty guest rooms and not more than ninety-nine guest rooms~~, or to any bona fide restaurant containing all necessary equipment and supplies for, and serving full course meals regularly and having accommodations at all times for, service of two hundred or more patrons at tables and occupying more than four thousand square feet of floor space, with the exception of the area within the legal boundaries of the community redevelopment areas (CRAs) for restaurants providing service for 150 or more patrons at tables and occupying more than 2,500 square feet of floor space; provided, however:

(a) Such special licensees shall be prohibited from selling alcoholic beverages in packages for consumption off the premises and from operating as a package store.

(b) The beverage director shall suspend, revoke, or assess a civil penalty against any such license under the provisions of section 561.29, Florida Statutes, if the restaurant so licensed ceases to be a bona fide restaurant as required as a prerequisite for obtaining such license and providing that no intoxicating beverage shall be sold by such restaurant under such license after the hours of serving food have ceased.

(c) That no such special license shall be moved to a new location, such licenses being valid only on the premises of such hotel, motel, motor court, or restaurant.

(d) That any such special license shall be issued only to the owner of said hotel, motel, motor court, or restaurant, or in the event the hotel, motel, motor court, or restaurant is leased, to the lessee of the hotel, motel, motor

court, or restaurant and the license shall remain in the name of said owner or lessee so long as the license is in existence.

(e) Approval for the issuance of such license shall be first obtained from the Board of County Commissioners of Martin County, Florida, after said Board has received a written application therefor together with blueprints and specifications of the structure within which such license is to be maintained, showing the proposed location and that such structure meets the requirements hereinbefore set forth, as well as other legal requirements, and also conforms to the Southern Building Code, and will have adequate paved offstreet parking to accommodate the patrons of such establishment. If such approval by the Board of County Commissioners is arbitrarily withheld, appeal from such ruling may be taken to the Circuit Court of Martin County in Chancery.

(f) Upon obtaining approval of the Board of County Commissioners of Martin County, Florida, as aforesaid, the applicant may then apply to the Division of Alcoholic Beverages and Tobacco, and if such division determines that such application complies with the terms of this act and otherwise qualifies as provided by law, then such special license shall be issued.

(g) Any license issued under the provisions of this act shall be marked "special."

(h) Any applicants for such a special license to be located in a municipality shall also comply with all ordinances and building regulations of such municipality.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 21, 2011.

Filed in Office Secretary of State June 21, 2011.