

By the Committee on Regulated Services and Representatives  
Bitner, Albright, Jones, Sembler, Arnall, Pruitt, Kelly,  
Feeney, Gay, Garcia, Bradley, Littlefield, Bense, Maygarden  
and Casey

1                                   A bill to be entitled  
2           An act relating to the Department of Business  
3           and Professional Regulation; amending s.  
4           509.049, F.S.; revising language with respect  
5           to food service employee training; providing  
6           for a food service training certificate  
7           program; providing for approval of existing  
8           programs; providing for requests for  
9           competitive sealed proposals; amending s.  
10          509.291, F.S.; revising the membership of the  
11          Hotel and Restaurant Advisory Council; amending  
12          s. 561.01, F.S.; revising the definition of the  
13          term "licensee" under the Beverage Law;  
14          amending s. 561.17, F.S.; revising a provision  
15          relating to license and registration  
16          applications under the Beverage Law; amending  
17          s. 561.181, F.S.; revising language with  
18          respect to temporary initial licenses; amending  
19          s. 561.20, F.S.; revising language with respect  
20          to the limitation on the number of alcoholic  
21          beverage licenses issued; creating a special  
22          license category for caterers; providing  
23          conditions for operation; providing for  
24          adoption of rules; amending s. 561.29, F.S.;  
25          revising language with respect to the  
26          revocation and suspension of licenses under the  
27          Beverage Law to include another prohibition;  
28          amending s. 561.32, F.S.; revising a provision  
29          relating to the transfer of a license; amending  
30          s. 561.331, F.S.; revising language with  
31          respect to a temporary license issued upon

1 application for transfer, change of location,  
2 or change of type or series; amending s.  
3 565.05, F.S.; providing an exception regarding  
4 the purchase of alcoholic beverages by golf  
5 clubs; amending s. 565.06, F.S.; authorizing  
6 the sale of alcoholic beverages in certain  
7 individual containers at golf clubs; providing  
8 an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Section 509.049, Florida Statutes, is  
13 amended to read:

14 509.049 Food service employee training.--The division  
15 shall adopt, by rule, minimum food safety protection standards  
16 for the training of all food service employees who are  
17 responsible for the storage, preparation, display, or serving  
18 of foods to the public in establishments regulated under this  
19 chapter. These standards shall not include an examination,  
20 but shall provide for a food safety training certificate  
21 program for food service employees to be administered by a  
22 private nonprofit provider chosen by the division. The  
23 division shall issue a request for competitive sealed  
24 proposals which includes a statement of the contractual  
25 services sought and all terms and conditions applicable to the  
26 contract. The division shall award the contract to the  
27 provider whose proposal is determined in writing to be the  
28 most advantageous to the state, taking into consideration the  
29 price and the other criteria set forth in the request for  
30 proposals. The division shall contract with a provider on a  
31 4-year basis and is authorized to promulgate by rule a per

1 employee fee to cover the contracted price for the program  
2 administered by the provider. In making its selection, the  
3 division shall consider factors including, but not limited to,  
4 the experience and history of the provider in representing the  
5 food service industry, the provider's demonstrated commitment  
6 to food safety, and its ability to provide a statewide program  
7 with industry support and participation. Any food safety  
8 training program established and administered to food handler  
9 employees utilized at a public food service establishment  
10 prior to the effective date of this act shall be submitted by  
11 the operator to the division for its review and approval. If  
12 the food safety training program is approved by the division,  
13 nothing in this section shall preclude any other operator of a  
14 food service establishment from also utilizing the approved  
15 program or require the employees of any operator to receive  
16 training from or pay a fee to the division's contracted  
17 provider. Review and approval by the division of a program or  
18 programs under this section shall include, but not be limited  
19 to, the minimum food safety standards adopted by the division  
20 in accordance with this section ~~or certification~~. It shall be  
21 the duty of the licensee of the public food service  
22 establishment to provide training in accordance with the  
23 described rule to all employees under the licensee's  
24 supervision or control. The licensee may designate a  
25 certified food service manager to perform this function as an  
26 agent of the licensee.

27 Section 2. Subsection (1) of section 509.291, Florida  
28 Statutes, is amended to read:

29 509.291 Advisory council.--

30 (1) There is created a 9-member ~~an 18-member~~ advisory  
31 council.

1           (a) The Secretary of Business and Professional  
2 Regulation shall appoint five ~~11~~ voting members to the  
3 advisory council. Each member appointed by the secretary must  
4 be an operator of an establishment licensed under this chapter  
5 and shall represent the industries regulated by the division,  
6 except that one member appointed by the secretary must be a  
7 layperson and shall represent the general public. Such members  
8 of the council shall serve staggered terms of 4 years.

9           (b) ~~The division, the Department of Health, The~~  
10 Florida Hotel and Motel Association, the Florida Restaurant  
11 Association, the Florida Apartment Association, and the  
12 Florida Association of Realtors shall each designate one  
13 representative to serve as a voting member of the council, ~~and~~  
14 ~~one member appointed by the secretary must be appointed to~~  
15 ~~represent nontransient public lodging establishments.~~ In  
16 addition, one hospitality administration educator from an  
17 institution of higher education affiliated with the  
18 Hospitality Education Program pursuant to s. 509.302(2) shall  
19 serve for a term of 2 years as an ex officio, nonvoting ~~a~~  
20 ~~voting~~ member of the council. This single representative  
21 shall be designated on a rotating basis by the institution or  
22 institutions of higher education affiliated with this program  
23 pursuant to s. 509.302(2).

24           (c) Any member who fails to attend three consecutive  
25 council meetings without good cause may be removed from the  
26 council by the secretary.

27           Section 3. Subsection (14) of section 561.01, Florida  
28 Statutes, is amended to read:

29           561.01 Definitions.--As used in the Beverage Law:

30           (14) "Licensee," ~~"applicant," or "person"~~ means a  
31 legal or business entity, person, or persons that hold a

1 license issued by the division and meet the qualifications set  
2 forth in s. 561.15 an individual, corporation, firm,  
3 partnership, limited partnership, incorporated association,  
4 unincorporated association, professional association, or other  
5 legal or commercial entity; a combination of such entities; or  
6 any such entity having a financial interest, directly or  
7 indirectly, in another such entity.

8 Section 4. Subsection (1) of section 561.17, Florida  
9 Statutes, is amended to read:

10 561.17 License and registration applications; approved  
11 person.--

12 (1) Any person, before engaging in the business of  
13 manufacturing, bottling, distributing, selling, or in any way  
14 dealing in alcoholic beverages, shall file, with the district  
15 licensing personnel supervisor of the district of the division  
16 in which the place of business for which a license is sought  
17 is located, a sworn application in duplicate on forms provided  
18 to the district licensing personnel supervisor by the  
19 division. The applicant must be a legal or business entity,  
20 person, or persons and must include all persons, officers,  
21 shareholders, and directors of such legal or business entity  
22 that have a direct or indirect interest in the business  
23 seeking to be licensed under this part. However, the applicant  
24 does not include any person that derives revenue from the  
25 license solely through a contractual relationship with the  
26 licensee, the substance of which contractual relationship is  
27 not related to the control of the sale of alcoholic beverages.  
28 Prior to any application being approved, the division may  
29 require the applicant to file a set of fingerprints on regular  
30 United States Department of Justice forms for herself or  
31 himself and for any person or persons interested directly or

1 indirectly with the applicant in the business for which the  
2 license is being sought, when so required by the division. If  
3 the applicant or any person who is interested with the  
4 applicant either directly or indirectly in the business or who  
5 has a security interest in the license being sought or has a  
6 right to a percentage payment from the proceeds of the  
7 business, either by lease or otherwise, is not qualified, the  
8 application shall be denied by the division. However, any  
9 company regularly traded on a national securities exchange and  
10 not over the counter; any insurer, as defined in the Florida  
11 Insurance Code; or any bank or savings and loan association  
12 chartered by this state, another state, or the United States  
13 which has an interest, directly or indirectly, in an alcoholic  
14 beverage license shall not be required to obtain division  
15 approval of its officers, directors, or stockholders or any  
16 change of such positions or interests. A shopping center with  
17 five or more stores, one or more of which has an alcoholic  
18 beverage license and is required under a lease common to all  
19 shopping center tenants to pay no more than 10 percent of the  
20 gross proceeds of the business holding the license to the  
21 shopping center, shall not be considered as having an  
22 interest, directly or indirectly, in the license.

23 Section 5. Section 561.181, Florida Statutes, is  
24 amended to read:

25 561.181 Temporary initial licenses.--

26 (1)(a) A temporary initial license shall not be  
27 continued or extended during any proceeding for administrative  
28 or judicial review pursuant to chapter 120 challenging or  
29 appealing the final agency action denying the application when  
30 the license application is denied due to the failure of the

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1 applicant to disclose a prior felony conviction or the  
2 applicant's true identity.

3 (b) A temporary initial license shall be continued or  
4 extended during any proceeding for administrative or judicial  
5 review pursuant to chapter 120 challenging or appealing the  
6 final agency action denying the application when the license  
7 application is denied for reasons other than for the failure  
8 of the applicant to disclose a prior felony conviction or the  
9 applicant's true identity.

10 (c) A temporary initial license shall be valid for up  
11 to 90 days and may be extended by the division for an  
12 additional period of time for good cause.

13 (2)(1)(a) When any person has filed a properly  
14 completed application which does not on its face disclose any  
15 reason for denying an alcoholic beverage license, the division  
16 shall issue to such person a temporary initial license of the  
17 same type and series for which the application has been  
18 submitted, to be valid for all purposes under the Beverage  
19 Law, except as provided in paragraph (b).

20 (b) A temporary initial license issued under this  
21 section entitles a temporary licensee ~~vendor~~ to purchase  
22 alcoholic beverages for cash only. This paragraph does not  
23 apply:

24 1. If the entity holding the temporary initial license  
25 is also the holder of a beverage license authorizing the  
26 purchase of the same type of alcoholic beverages as is  
27 authorized under the temporary initial license.

28 2. To purchases made as part of a single-transaction  
29 cooperative purchase placed by a pool buying agent.

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1        (3)~~(2)~~ The temporary initial license shall be valid  
2 until the application is denied or until 14 days after the  
3 application is approved.

4        (4)~~(3)~~ A temporary initial license shall expire and  
5 shall not be continued or extended beyond the date the  
6 division denies the application for license, beyond 14 days  
7 after the date the division approves the application for  
8 license, beyond the date the applicant pays the license fee  
9 for and the division issues the license applied for, beyond  
10 the time period provided for under subsection (1), or beyond  
11 the date the temporary initial license otherwise expires by  
12 law, whichever date occurs first.

13        (5)~~(4)~~ Each applicant seeking a temporary initial  
14 license shall pay to the division for such license a fee equal  
15 to one-fourth of the annual license fee for the type and  
16 series of license being applied for or \$100, whichever is  
17 greater, which fee shall be deposited into the General Revenue  
18 Fund.

19        Section 6. Subsection (1) and paragraph (a) of  
20 subsection (2) of section 561.20, Florida Statutes, are  
21 amended to read:

22        561.20 Limitation upon number of licenses issued.--

23        (1) No license under s. 565.02(1)(a)-(f), inclusive,  
24 shall be issued so that the number of such licenses within the  
25 limits of the territory of any county exceeds one such license  
26 to each 7,500 ~~5,000~~ residents within such county. Regardless  
27 of the number of quota licenses issued prior to October 1,  
28 2000 ~~1992~~, on and after that date, a new license under s.  
29 565.02(1)(a)-(f), inclusive, shall be issued for each  
30 population increase of 7,500 ~~5,000~~ residents above the number  
31 of residents who resided in the county according to the April



1 1, 1999 ~~1991~~, Florida Estimate of Population as published by  
2 the Bureau of Economic and Business Research at the University  
3 of Florida, and thereafter, based on the last regular  
4 population estimate prepared pursuant to s. 186.901, for such  
5 county. Such population estimates shall be the basis for  
6 annual license issuance regardless of any local acts to the  
7 contrary. However, such limitation shall not prohibit the  
8 issuance of at least three licenses in any county that may  
9 approve the sale of intoxicating liquors in such county.

10 (2)(a) No such limitation of the number of licenses as  
11 herein provided shall henceforth prohibit the issuance of a  
12 special license to:

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

1 beverages only on the licensed premises of the hotel or motel.  
2 In addition, the hotel or motel must derive at least 60  
3 percent of its gross revenue from the rental of hotel or motel  
4 rooms and the sale of food and nonalcoholic beverages;  
5 provided that the provisions of this subparagraph shall  
6 supersede local laws requiring a greater number of hotel  
7 rooms;

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

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

24           4. Any restaurant having 2,500 square feet of service  
25 area and equipped to serve 150 persons full course meals at  
26 tables at one time, and deriving at least 51 percent of its  
27 gross revenue from the sale of food and nonalcoholic  
28 beverages; however, no restaurant granted a special license on  
29 or after January 1, 1958, pursuant to general or special law  
30 shall operate as a package store, nor shall intoxicating  
31

1 beverages be sold under such license after the hours of  
2 serving food have elapsed; ~~or-~~  
3 5. Any caterer licensed by the Division of Hotels and  
4 Restaurants under chapter 509. Notwithstanding any other  
5 provision of law to the contrary, a licensee under this  
6 subparagraph shall sell or serve alcoholic beverages only for  
7 consumption on the premises of a catered event at which the  
8 licensee is also providing prepared food, and shall  
9 prominently display its license at any catered event at which  
10 the caterer is selling or serving alcoholic beverages. A  
11 licensee under this subparagraph shall purchase all alcoholic  
12 beverages it sells or serves at a catered event from a vendor  
13 licensed under s. 563.02(1), s. 564.02(1), or s. 561.20(1), as  
14 appropriate. A licensee under this subparagraph may not store  
15 any alcoholic beverages to be sold or served at a catered  
16 event. Any alcoholic beverages purchased by a licensee under  
17 this subparagraph for a catered event that are not used at  
18 that event must remain with the customer; provided that if the  
19 vendor accepts unopened alcoholic beverages, the licensee may  
20 return such alcoholic beverages, to the vendor for a credit or  
21 reimbursement. Regardless of the county or counties in which  
22 the licensee operates, a licensee under this subparagraph  
23 shall pay the annual state license tax set forth in s.  
24 565.02(1)(b). A licensee under this subparagraph must maintain  
25 for a period of 3 years all records required by the department  
26 by rule to demonstrate compliance with the requirements of  
27 this subparagraph, including licensed vendor receipts for the  
28 purchase of alcoholic beverages and records identifying each  
29 customer and the location and date of each catered event.  
30 Notwithstanding any provision of law to the contrary, any  
31 vendor licensed under s. 561.20(1) may, without any additional

1 licensure under this subparagraph, serve or sell alcoholic  
2 beverages for consumption on the premises of a catered event  
3 at which prepared food is provided by a caterer licensed under  
4 chapter 509. If a licensee under this subparagraph also  
5 possesses any other license under the Beverage Law, the  
6 license issued under this subparagraph shall not authorize the  
7 holder to conduct activities on the premises to which the  
8 other license or licenses apply that would otherwise be  
9 prohibited by the terms of that license or the Beverage Law.  
10 Nothing in this section shall permit the licensee to conduct  
11 activities that are otherwise prohibited by the Beverage Law  
12 or local law. The Division of Alcoholic Beverages and Tobacco  
13 is hereby authorized to adopt rules to administer the license  
14 created in this subparagraph, to include rules governing  
15 licensure, recordkeeping, and enforcement. All fees collected  
16 by the division pursuant to this subparagraph shall be  
17 deposited into the Hotel and Restaurant Trust Fund created  
18 pursuant to s. 509.072.

19  
20 However, any license heretofore issued to any such hotel,  
21 motel, motor court, or restaurant or hereafter issued to any  
22 such hotel, motel, or motor court, including a condominium  
23 accommodation, under the general law shall not be moved to a  
24 new location, such license being valid only on the premises of  
25 such hotel, motel, motor court, or restaurant. Licenses issued  
26 to hotels, motels, motor courts, or restaurants under the  
27 general law and held by such hotels, motels, motor courts, or  
28 restaurants on May 24, 1947, shall be counted in the quota  
29 limitation contained in subsection (1). Any license issued  
30 for any hotel, motel, or motor court under the provisions of  
31 this law shall be issued only to the owner of the hotel,

1 motel, or motor court or, in the event the hotel, motel, or  
2 motor court is leased, to the lessee of the hotel, motel, or  
3 motor court; and the license shall remain in the name of the  
4 owner or lessee so long as the license is in existence. Any  
5 special license now in existence heretofore issued under the  
6 provisions of this law cannot be renewed except in the name of  
7 the owner of the hotel, motel, motor court, or restaurant or,  
8 in the event the hotel, motel, motor court, or restaurant is  
9 leased, in the name of the lessee of the hotel, motel, motor  
10 court, or restaurant in which the license is located and must  
11 remain in the name of the owner or lessee so long as the  
12 license is in existence. Any license issued under this  
13 section shall be marked "Special," and nothing herein provided  
14 shall limit, restrict, or prevent the issuance of a special  
15 license for any restaurant or motel which shall hereafter meet  
16 the requirements of the law existing immediately prior to the  
17 effective date of this act, if construction of such restaurant  
18 has commenced prior to the effective date of this act and is  
19 completed within 30 days thereafter, or if an application is  
20 on file for such special license at the time this act takes  
21 effect; and any such licenses issued under this proviso may be  
22 annually renewed as now provided by law. Nothing herein  
23 prevents an application for transfer of a license to a bona  
24 fide purchaser of any hotel, motel, motor court, or restaurant  
25 by the purchaser of such facility or the transfer of such  
26 license pursuant to law.

27 Section 7. Paragraph (k) is added to subsection (1) of  
28 section 561.29, Florida Statutes, to read:

29 561.29 Revocation and suspension of license; power to  
30 subpoena.--

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1           (1) The division is given full power and authority to  
2 revoke or suspend the license of any person holding a license  
3 under the Beverage Law, when it is determined or found by the  
4 division upon sufficient cause appearing of:

5           (k) Failure by the holder of any license issued under  
6 the Beverage Law to comply with a stipulation, consent order,  
7 or final order.

8           Section 8. Subsection (5) of section 561.32, Florida  
9 Statutes, is amended to read:

10           561.32 Transfer of licenses; change of officers or  
11 directors; transfer of interest.--

12           (5) The division shall waive the transfer fee and the  
13 delinquent penalties, but not the license renewal fee, when  
14 the transfer of an interest in an alcoholic beverage license  
15 occurs by operation of law because of a death, judicial  
16 proceedings, court appointment of a fiduciary, foreclosure or  
17 forced judicial sale, bankruptcy proceedings, or seizure of a  
18 license by a government agency.

19           Section 9. Section 561.331, Florida Statutes, is  
20 amended to read:

21           561.331 Temporary license upon application for  
22 transfer, change of location, or change of type or series.--

23           (1)(a) A temporary license for transfer, change of  
24 location, or change of type or series shall not be continued  
25 or extended during any proceeding for administrative or  
26 judicial review pursuant to chapter 120 challenging or  
27 appealing the final agency action denying the application when  
28 the license application is denied due to the failure of the  
29 applicant to disclose a prior felony conviction or the  
30 applicant's true identity.

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1           (b) A temporary license for transfer, change of  
2 location, or change of type or series shall be continued or  
3 extended during any proceeding for administrative or judicial  
4 review pursuant to chapter 120 challenging or appealing the  
5 final agency action denying the application when the license  
6 application is denied for reasons other than the failure of  
7 the applicant to disclose all prior felony convictions or the  
8 applicant's true identity.

9           (c) A temporary license shall be valid for up to 90  
10 days and may be extended by the division for an additional  
11 period of time for good cause.

12           (2)(1) Upon the filing of a properly completed  
13 application for transfer pursuant to s. 561.32, which  
14 application does not on its face disclose any reason for  
15 denying an alcoholic beverage license, by any purchaser of a  
16 business which possesses a beverage license of any type or  
17 series, the purchaser of such business and the applicant for  
18 transfer are entitled as a matter of right to receive a  
19 temporary beverage license of the same type and series as that  
20 held by the seller of such business. The temporary license  
21 will be valid for all purposes under the Beverage Law until  
22 the application is denied,or until 14 days after the  
23 application is approved, or until the time period provided  
24 under subsection (1) has elapsed, whichever occurs first. Such  
25 temporary beverage license shall be issued by the district  
26 supervisor of the district in which the application for  
27 transfer is made upon the payment of a fee of \$100. A  
28 temporary licensee, while ~~purchaser~~ operating under a valid  
29 temporary license issued under the provisions of this  
30 subsection, is subject to the same rights, privileges, duties,  
31 and limitations of a beverage licensee as are provided by the

1 Beverage Law, except that purchases of alcoholic beverages  
2 during the term of such temporary license shall be for cash  
3 only. However, such cash-only restriction does not apply if  
4 the entity holding a temporary license pursuant to this  
5 section purchases alcoholic beverages as part of a  
6 single-transaction cooperative purchase placed by a pool  
7 buying agent or if such entity is also the holder of a state  
8 beverage license authorizing the purchase of the same type of  
9 alcoholic beverages as authorized under the temporary license.

10 ~~(3)(2)~~ Upon the filing of a properly completed an  
11 application for change of location pursuant to s. 561.33 by  
12 any qualified licensee who possesses a beverage license of any  
13 type or series, which application does not on its face  
14 disclose any reason for denying an alcoholic beverage license,  
15 the licensee is entitled as a matter of right to receive a  
16 temporary beverage license of the same series as that license  
17 held by the licensee to be valid for all purposes under the  
18 Beverage Law until the application is denied, ~~or~~ until 14 days  
19 after the application is approved, or until the time period  
20 provided under subsection (1) has elapsed, whichever occurs  
21 first. Such temporary license shall be issued by the district  
22 supervisor of the district in which the application for change  
23 of location is made without the payment of any further fee or  
24 tax. A temporary licensee, while operating under a valid  
25 temporary license issued under the provisions of this  
26 subsection, is subject to the same rights, privileges, duties,  
27 and limitations of a beverage licensee as are provided by the  
28 Beverage Law.

29 ~~(4)(3)~~ Upon the filing of a properly completed  
30 application to change the type or series of a beverage license  
31 by any qualified licensee having a beverage license of any



1 type or series, which application does not on its face  
2 disclose any reason for denying an alcoholic beverage license,  
3 the licensee is entitled as a matter of right to receive a  
4 temporary beverage license of the type or series applied for,  
5 which temporary license is valid for all purposes under the  
6 Beverage Law until the application is denied, ~~or~~ until 14 days  
7 after the application is approved, or until the time period  
8 provided under subsection (1) has elapsed, whichever occurs  
9 first. Such temporary license shall be issued by the district  
10 supervisor of the district in which the application for change  
11 of type or series is made. If the fee for the type or series  
12 or license applied for is greater than the fee for the license  
13 then held by the applicant, the applicant for such temporary  
14 license must pay a fee in the amount of \$100 or one-fourth of  
15 the difference between the fees, whichever amount is greater.  
16 A fee is not required for an application for a temporary  
17 license of a type or series for which the fee is the same as  
18 or less than the fee for the license then held by the  
19 applicant. ~~The holder of~~ A temporary licensee, while operating  
20 under a valid temporary license under this subsection, is  
21 subject to the same rights, privileges, duties, and  
22 limitations of a beverage licensee as are provided by the  
23 Beverage Law.

24 (5)(4) Nothing in this section shall be construed to  
25 permit the transfer or issuance of temporary licenses contrary  
26 to the county-by-county limitation on the number of such  
27 licenses based on population as provided in s. 561.20(1).

28 Section 10. Section 565.05, Florida Statutes, is  
29 amended to read:

30 565.05 Purchase of distilled spirits by licensed  
31 clubs; size of individual containers.--It is unlawful for any

1 person holding a license as a club for the sale of distilled  
2 spirits to purchase any of said distilled spirits in  
3 individual containers larger than 1.75 liters or 59.18 ounces,  
4 or smaller than 0.50 liter or 16.9 ounces, except for golf  
5 clubs licensed pursuant to s. 561.20(7)(b), which may purchase  
6 50 milliliter or 1.7 ounce containers.

7 Section 11. Section 565.06, Florida Statutes, is  
8 amended to read:

9 565.06 Clubs to sell only individual drinks.--It is  
10 unlawful for any person holding a license as a club for the  
11 sale of intoxicating liquors and beverages to sell the same  
12 except by the individual drink. However, golf clubs licensed  
13 pursuant to s. 561.20(7)(b) may sell individual containers of  
14 50 milliliters or 1.7 ounces for consumption on the premises  
15 only.

16 Section 12. This act shall take effect July 1, 2000.  
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