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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/AD/2R

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02/23/2016 11:29 AM

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Senator Bradley moved the following:

Senate Amendment (with title amendment)

Between lines 114 and 115

insert:

Section 4. Paragraph (a) of subsection (2) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2) (a) The ~~No such~~ limitation of the number of licenses as ~~herein provided in this section does not shall henceforth~~ prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer



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

36 2. Any condominium accommodation of which no fewer than 100
37 condominium units are wholly rentable to transients and which is
38 licensed under the provisions of chapter 509, except that the
39 license shall be issued only to the person or corporation which
40 operates the hotel or motel operation and not to the association



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41 of condominium owners;

42 3. Any condominium accommodation of which no fewer than 50
43 condominium units are wholly rentable to transients, which is
44 licensed under the provisions of chapter 509, and which is
45 located in any county having home rule under s. 10 or s. 11,
46 Art. VIII of the State Constitution of 1885, as amended, and
47 incorporated by reference in s. 6(e), Art. VIII of the State
48 Constitution, except that the license shall be issued only to
49 the person or corporation which operates the hotel or motel
50 operation and not to the association of condominium owners;

51 4. Any food service establishment that has ~~restaurant~~
52 ~~having~~ 2,500 square feet of service area, is ~~and~~ equipped to
53 serve meals to 150 persons ~~full-course meals at tables~~ at one
54 time, and that derives ~~deriving~~ at least 51 percent of its gross
55 food and beverage revenue from the sale of food and nonalcoholic
56 beverages during the first 60-day operating period and each 12-
57 month operating period thereafter. ~~;~~ ~~However,~~ A food service
58 establishment ~~no-restaurant~~ granted a special license on or
59 after January 1, 1958, pursuant to general or special law may
60 not ~~shall~~ operate as a package store and may not sell, ~~nor shall~~
61 intoxicating beverages ~~be sold~~ under such license after the
62 hours of serving or consumption of food have elapsed. Failure by
63 a licensee to meet the required percentage of food and
64 nonalcoholic beverage gross revenues during the covered
65 operating period shall result in revocation of the license or
66 denial of the pending license application. A licensee whose
67 license is revoked or an applicant whose pending application is
68 denied, or any person required to qualify on the special license
69 application, is ineligible to have any interest in a subsequent



70 application for such a license for a period of 120 days after
71 the date of the final denial or revocation; or

72 5. Any caterer, deriving at least 51 percent of its gross
73 revenue from the sale of food and nonalcoholic beverages,
74 licensed by the Division of Hotels and Restaurants under chapter
75 509. Notwithstanding any other provision of law to the contrary,
76 a licensee under this subparagraph shall sell or serve alcoholic
77 beverages only for consumption on the premises of a catered
78 event at which the licensee is also providing prepared food, and
79 shall prominently display its license at any catered event at
80 which the caterer is selling or serving alcoholic beverages. A
81 licensee under this subparagraph shall purchase all alcoholic
82 beverages it sells or serves at a catered event from a vendor
83 licensed under s. 563.02(1), s. 564.02(1), or licensed under s.
84 565.02(1) subject to the limitation imposed in subsection (1),
85 as appropriate. A licensee under this subparagraph may not store
86 any alcoholic beverages to be sold or served at a catered event.
87 Any alcoholic beverages purchased by a licensee under this
88 subparagraph for a catered event that are not used at that event
89 must remain with the customer; provided that if the vendor
90 accepts unopened alcoholic beverages, the licensee may return
91 such alcoholic beverages to the vendor for a credit or
92 reimbursement. Regardless of the county or counties in which the
93 licensee operates, a licensee under this subparagraph shall pay
94 the annual state license tax set forth in s. 565.02(1)(b). A
95 licensee under this subparagraph must maintain for a period of 3
96 years all records required by the department by rule to
97 demonstrate compliance with the requirements of this
98 subparagraph, including licensed vendor receipts for the



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99 purchase of alcoholic beverages and records identifying each
100 customer and the location and date of each catered event.
101 Notwithstanding any provision of law to the contrary, any vendor
102 licensed under s. 565.02(1) subject to the limitation imposed in
103 subsection (1), may, without any additional licensure under this
104 subparagraph, serve or sell alcoholic beverages for consumption
105 on the premises of a catered event at which prepared food is
106 provided by a caterer licensed under chapter 509. If a licensee
107 under this subparagraph also possesses any other license under
108 the Beverage Law, the license issued under this subparagraph
109 shall not authorize the holder to conduct activities on the
110 premises to which the other license or licenses apply that would
111 otherwise be prohibited by the terms of that license or the
112 Beverage Law. Nothing in this section shall permit the licensee
113 to conduct activities that are otherwise prohibited by the
114 Beverage Law or local law. The Division of Alcoholic Beverages
115 and Tobacco is hereby authorized to adopt rules to administer
116 the license created in this subparagraph, to include rules
117 governing licensure, recordkeeping, and enforcement. The first
118 \$300,000 in fees collected by the division each fiscal year
119 pursuant to this subparagraph shall be deposited in the
120 Department of Children and Families' Operations and Maintenance
121 Trust Fund to be used only for alcohol and drug abuse education,
122 treatment, and prevention programs. The remainder of the fees
123 collected shall be deposited into the Hotel and Restaurant Trust
124 Fund created pursuant to s. 509.072.
125
126 However, any license heretofore issued to any such hotel, motel,
127 motor court, or restaurant or hereafter issued to any such



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128 hotel, motel, or motor court, including a condominium
129 accommodation, under the general law shall not be moved to a new
130 location, such license being valid only on the premises of such
131 hotel, motel, motor court, or restaurant. Licenses issued to
132 hotels, motels, motor courts, or restaurants under the general
133 law and held by such hotels, motels, motor courts, or
134 restaurants on May 24, 1947, shall be counted in the quota
135 limitation contained in subsection (1). Any license issued for
136 any hotel, motel, or motor court under the provisions of this
137 law shall be issued only to the owner of the hotel, motel, or
138 motor court or, in the event the hotel, motel, or motor court is
139 leased, to the lessee of the hotel, motel, or motor court; and
140 the license shall remain in the name of the owner or lessee so
141 long as the license is in existence. Any special license now in
142 existence heretofore issued under the provisions of this law
143 cannot be renewed except in the name of the owner of the hotel,
144 motel, motor court, or restaurant or, in the event the hotel,
145 motel, motor court, or restaurant is leased, in the name of the
146 lessee of the hotel, motel, motor court, or restaurant in which
147 the license is located and must remain in the name of the owner
148 or lessee so long as the license is in existence. Any license
149 issued under this section shall be marked "Special," and nothing
150 herein provided shall limit, restrict, or prevent the issuance
151 of a special license for any restaurant or motel which shall
152 hereafter meet the requirements of the law existing immediately
153 prior to the effective date of this act, if construction of such
154 restaurant has commenced prior to the effective date of this act
155 and is completed within 30 days thereafter, or if an application
156 is on file for such special license at the time this act takes



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157 effect; and any such licenses issued under this proviso may be
158 annually renewed as now provided by law. Nothing herein prevents
159 an application for transfer of a license to a bona fide
160 purchaser of any hotel, motel, motor court, or restaurant by the
161 purchaser of such facility or the transfer of such license
162 pursuant to law.

163

164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 Between lines 10 and 11

167 insert:

168 561.20, F.S.; providing that a license must be revoked
169 or a pending application must be denied under certain
170 circumstances; providing that certain licensees or
171 applicants are not eligible to have an interest in a
172 subsequent license under certain circumstances for a
173 specified timeframe; amending s.