

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
2 Representative Burton offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 50 and 51, insert:

6 Section 3. Paragraph (a) of subsection (2) of section
7 561.20, Florida Statutes, is amended to read:

8 561.20 Limitation upon number of licenses issued.—

9 (2) (a) The limitation of the number of licenses as
10 provided in this section does not prohibit the issuance of a
11 special license to:

12 1. Any bona fide hotel, motel, or motor court of not fewer
13 than 80 guest rooms in any county having a population of less
14 than 50,000 residents, and of not fewer than 100 guest rooms in
15 any county having a population of 50,000 residents or greater;
16 or any bona fide hotel or motel located in a historic structure,

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17 as defined in s. 561.01(21), with fewer than 100 guest rooms
18 which derives at least 51 percent of its gross revenue from the
19 rental of hotel or motel rooms, which is licensed as a public
20 lodging establishment by the Division of Hotels and Restaurants;
21 provided, however, that a bona fide hotel or motel with no fewer
22 than 10 and no more than 25 guest rooms which is a historic
23 structure, as defined in s. 561.01(21), in a municipality that
24 on the effective date of this act has a population, according to
25 the University of Florida's Bureau of Economic and Business
26 Research Estimates of Population for 1998, of no fewer than
27 25,000 and no more than 35,000 residents and that is within a
28 constitutionally chartered county may be issued a special
29 license. This special license shall allow the sale and
30 consumption of alcoholic beverages only on the licensed premises
31 of the hotel or motel. In addition, the hotel or motel must
32 derive at least 60 percent of its gross revenue from the rental
33 of hotel or motel rooms and the sale of food and nonalcoholic
34 beverages; provided that ~~the provisions of~~ this subparagraph
35 shall supersede local laws requiring a greater number of hotel
36 rooms;

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

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42 | to the association of condominium owners;

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

52 | 4. A food service establishment that has 2,500 square feet
53 | of service area, is equipped to serve meals to 150 persons at
54 | one time, and derives at least 51 percent of its gross food and
55 | 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. A food service establishment
58 | granted a special license on or after January 1, 1958, pursuant
59 | to general or special law may not operate as a package store and
60 | may not sell intoxicating beverages under such license after the
61 | hours of serving or consumption of food have elapsed. Failure by
62 | a licensee to meet the required percentage of food and
63 | nonalcoholic beverage gross revenues during the covered
64 | operating period shall result in revocation of the license or
65 | denial of the pending license application. A licensee whose
66 | license is revoked or an applicant whose pending application is

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67 denied, or any person required to qualify on the special license
68 application, is ineligible to have any interest in a subsequent
69 application for such a license for a period of 120 days after
70 the date of the final denial or revocation;

71 5. Any caterer, deriving at least 51 percent of its gross
72 food and beverage revenue from the sale of food and nonalcoholic
73 beverages at each catered event, licensed by the Division of
74 Hotels and Restaurants under chapter 509. This subparagraph does
75 not apply to a culinary education program, as defined in s.
76 381.0072(2), which is licensed as a public food service
77 establishment by the Division of Hotels and Restaurants and
78 provides catering services. Notwithstanding any ~~other provision~~
79 ~~of~~ law to the contrary, a licensee under this subparagraph shall
80 sell or serve alcoholic beverages only for consumption on the
81 premises of a catered event at which the licensee is also
82 providing prepared food, and shall prominently display its
83 license at any catered event at which the caterer is selling or
84 serving alcoholic beverages. A licensee under this subparagraph
85 shall purchase all alcoholic beverages it sells or serves at a
86 catered event from a vendor licensed under s. 563.02(1), s.
87 564.02(1), or licensed under s. 565.02(1) subject to the
88 limitation imposed in subsection (1), as appropriate. A licensee
89 under this subparagraph may not store any alcoholic beverages to
90 be sold or served at a catered event. Any alcoholic beverages
91 purchased by a licensee under this subparagraph for a catered

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92 event that are not used at that event must remain with the
93 customer; provided that if the vendor accepts unopened alcoholic
94 beverages, the licensee may return such alcoholic beverages to
95 the vendor for a credit or reimbursement. Regardless of the
96 county or counties in which the licensee operates, a licensee
97 under this subparagraph shall pay the annual state license tax
98 set forth in s. 565.02(1)(b). A licensee under this subparagraph
99 must maintain for a period of 3 years all records and receipts
100 for each catered event, including all contracts, customers'
101 names, event locations, event dates, food purchases and sales,
102 alcoholic beverage purchases and sales, nonalcoholic beverage
103 purchases and sales, and any other records required by the
104 department by rule to demonstrate compliance with the
105 requirements of this subparagraph, ~~including licensed vendor~~
106 ~~receipts for the purchase of alcoholic beverages and records~~
107 ~~identifying each customer and the location and date of each~~
108 ~~catered event.~~ Notwithstanding any ~~provision of law to the~~
109 ~~contrary,~~ any vendor licensed under s. 565.02(1) subject to the
110 limitation imposed in subsection (1), may, without any
111 additional licensure under this subparagraph, serve or sell
112 alcoholic beverages for consumption on the premises of a catered
113 event at which prepared food is provided by a caterer licensed
114 under chapter 509. If a licensee under this subparagraph also
115 possesses any other license under the Beverage Law, the license
116 issued under this subparagraph shall not authorize the holder to

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117 | conduct activities on the premises to which the other license or
118 | licenses apply that would otherwise be prohibited by the terms
119 | of that license or the Beverage Law. Nothing in this section
120 | shall permit the licensee to conduct activities that are
121 | otherwise prohibited by the Beverage Law or local law. The
122 | Division of Alcoholic Beverages and Tobacco is hereby authorized
123 | to adopt rules to administer the license created in this
124 | subparagraph, to include rules governing licensure,
125 | recordkeeping, and enforcement. The first \$300,000 in fees
126 | collected by the division each fiscal year pursuant to this
127 | subparagraph shall be deposited in the Department of Children
128 | and Families' Operations and Maintenance Trust Fund to be used
129 | only for alcohol and drug abuse education, treatment, and
130 | prevention programs. The remainder of the fees collected shall
131 | be deposited into the Hotel and Restaurant Trust Fund created
132 | pursuant to s. 509.072; or

133 | 6. A culinary education program as defined in s.
134 | 381.0072(2) which is licensed as a public food service
135 | establishment by the Division of Hotels and Restaurants.

136 | a. This special license shall allow the sale and
137 | consumption of alcoholic beverages on the licensed premises of
138 | the culinary education program. The culinary education program
139 | shall specify designated areas in the facility where the
140 | alcoholic beverages may be consumed at the time of application.
141 | Alcoholic beverages sold for consumption on the premises may be

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142 consumed only in areas designated pursuant to s. 561.01(11) and
143 may not be removed from the designated area. Such license shall
144 be applicable only in and for designated areas used by the
145 culinary education program.

146 b. If the culinary education program provides catering
147 services, this special license shall also allow the sale and
148 consumption of alcoholic beverages on the premises of a catered
149 event at which the licensee is also providing prepared food. A
150 culinary education program that provides catering services is
151 not required to derive at least 51 percent of its gross revenue
152 from the sale of food and nonalcoholic beverages.
153 Notwithstanding any ~~other provision of~~ law to the contrary, a
154 licensee that provides catering services under this sub-
155 subparagraph shall prominently display its beverage license at
156 any catered event at which the caterer is selling or serving
157 alcoholic beverages. Regardless of the county or counties in
158 which the licensee operates, a licensee under this sub-
159 subparagraph shall pay the annual state license tax set forth in
160 s. 565.02(1)(b). A licensee under this sub-subparagraph must
161 maintain for a period of 3 years all records required by the
162 department by rule to demonstrate compliance with the
163 requirements of this sub-subparagraph.

164 c. If a licensee under this subparagraph also possesses
165 any other license under the Beverage Law, the license issued
166 under this subparagraph does not authorize the holder to conduct

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167 activities on the premises to which the other license or
168 licenses apply that would otherwise be prohibited by the terms
169 of that license or the Beverage Law. Nothing in this
170 subparagraph shall permit the licensee to conduct activities
171 that are otherwise prohibited by the Beverage Law or local law.
172 Any culinary education program that holds a license to sell
173 alcoholic beverages shall comply with the age requirements set
174 forth in ss. 562.11(4), 562.111(2), and 562.13.

175 d. The Division of Alcoholic Beverages and Tobacco may
176 adopt rules to administer the license created in this
177 subparagraph, to include rules governing licensure,
178 recordkeeping, and enforcement.

179 e. A license issued pursuant to this subparagraph does not
180 permit the licensee to sell alcoholic beverages by the package
181 for off-premises consumption.

182
183 However, any license heretofore issued to any such hotel, motel,
184 motor court, or restaurant or hereafter issued to any such
185 hotel, motel, or motor court, including a condominium
186 accommodation, under the general law shall not be moved to a new
187 location, such license being valid only on the premises of such
188 hotel, motel, motor court, or restaurant. Licenses issued to
189 hotels, motels, motor courts, or restaurants under the general
190 law and held by such hotels, motels, motor courts, or
191 restaurants on May 24, 1947, shall be counted in the quota

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192 limitation contained in subsection (1). Any license issued for
193 any hotel, motel, or motor court under ~~the provisions of this~~
194 law shall be issued only to the owner of the hotel, motel, or
195 motor court or, in the event the hotel, motel, or motor court is
196 leased, to the lessee of the hotel, motel, or motor court; and
197 the license shall remain in the name of the owner or lessee so
198 long as the license is in existence. Any special license now in
199 existence heretofore issued under ~~the provisions of this law~~
200 cannot be renewed except in the name of the owner of the hotel,
201 motel, motor court, or restaurant or, in the event the hotel,
202 motel, motor court, or restaurant is leased, in the name of the
203 lessee of the hotel, motel, motor court, or restaurant in which
204 the license is located and must remain in the name of the owner
205 or lessee so long as the license is in existence. Any license
206 issued under this section shall be marked "Special," and nothing
207 herein provided shall limit, restrict, or prevent the issuance
208 of a special license for any restaurant or motel which shall
209 hereafter meet the requirements of the law existing immediately
210 prior to the effective date of this act, if construction of such
211 restaurant has commenced prior to the effective date of this act
212 and is completed within 30 days thereafter, or if an application
213 is on file for such special license at the time this act takes
214 effect; and any such licenses issued under this proviso may be
215 annually renewed as now provided by law. Nothing herein prevents
216 an application for transfer of a license to a bona fide

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217 purchaser of any hotel, motel, motor court, or restaurant by the
218 purchaser of such facility or the transfer of such license
219 pursuant to law.

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

223

Remove line 10 and insert:

224

business meets sanitary requirements; amending s. 561.20, F.S.;

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revising provisions related to special licenses to sell

226

alcoholic beverages for licensed caterers; amending s.