

26 | appoint division personnel and provide for the continuous
27 | training and upgrading of all ~~such~~ ~~division~~ personnel in their
28 | respective positions with the division. ~~Notwithstanding any law~~
29 | to the contrary, chiefs, assistant chiefs, regional managers
30 | including majors, and district and office managers including
31 | captains shall be assigned to the Selected Exempt Service and
32 | their salaries and benefits shall be set by the Department of
33 | Management Services in accordance with the rules of the Selected
34 | Exempt Service under part V of chapter 110. The ~~This~~ training
35 | shall include the attendance of ~~such~~ ~~division~~ personnel at
36 | workshops, seminars, or special schools established by the
37 | division or other organizations when attendance at such
38 | educational programs shall in the opinion of the division be
39 | deemed appropriate to the particular position ~~that~~ ~~which~~ the
40 | employee holds.

41 | Section 2. Subsection (2) of section 561.17, Florida
42 | Statutes, is amended to read:

43 | 561.17 License and registration applications; approved
44 | person.—

45 | (2) All applications for alcoholic beverage licenses for
46 | consumption on the premises shall be accompanied by a
47 | certificate of the Division of Hotels and Restaurants of the
48 | Department of Business and Professional Regulation, ~~or~~ the
49 | Department of Agriculture and Consumer Services, ~~or~~ the
50 | Department of Health, the Agency for Health Care Administration,

51 or the county health department that the place of business
52 wherein the business is to be conducted meets all of the
53 sanitary requirements of the state.

54 Section 3. Paragraph (a) of subsection (2) of section
55 561.20, Florida Statutes, is amended to read:

56 561.20 Limitation upon number of licenses issued.—

57 (2) (a) The limitation of the number of licenses as
58 provided in this section does not prohibit the issuance of a
59 special license to:

60 1. Any bona fide hotel, motel, or motor court of not fewer
61 than 80 guest rooms in any county having a population of less
62 than 50,000 residents, and of not fewer than 100 guest rooms in
63 any county having a population of 50,000 residents or greater;
64 or any bona fide hotel or motel located in a historic structure,
65 as defined in s. 561.01(21), with fewer than 100 guest rooms
66 which derives at least 51 percent of its gross revenue from the
67 rental of hotel or motel rooms, which is licensed as a public
68 lodging establishment by the Division of Hotels and Restaurants;
69 provided, however, that a bona fide hotel or motel with no fewer
70 than 10 and no more than 25 guest rooms which is a historic
71 structure, as defined in s. 561.01(21), in a municipality that
72 on the effective date of this act has a population, according to
73 the University of Florida's Bureau of Economic and Business
74 Research Estimates of Population for 1998, of no fewer than
75 25,000 and no more than 35,000 residents and that is within a

76 | constitutionally chartered county may be issued a special
77 | license. This special license shall allow the sale and
78 | consumption of alcoholic beverages only on the licensed premises
79 | of the hotel or motel. In addition, the hotel or motel must
80 | derive at least 60 percent of its gross revenue from the rental
81 | of hotel or motel rooms and the sale of food and nonalcoholic
82 | beverages; provided that ~~the provisions of~~ this subparagraph
83 | shall supersede local laws requiring a greater number of hotel
84 | rooms;

85 | 2. Any condominium accommodation of which no fewer than
86 | 100 condominium units are wholly rentable to transients and
87 | which is licensed under ~~the provisions of~~ chapter 509, except
88 | that the license shall be issued only to the person or
89 | corporation that ~~which~~ operates the hotel or motel operation and
90 | not to the association of condominium owners;

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

100 | 4. A food service establishment that has 2,500 square feet

101 of service area, is equipped to serve meals to 150 persons at
102 one time, and derives at least 51 percent of its gross food and
103 beverage revenue from the sale of food and nonalcoholic
104 beverages during the first 60-day operating period and each 12-
105 month operating period thereafter. A food service establishment
106 granted a special license on or after January 1, 1958, pursuant
107 to general or special law may not operate as a package store and
108 may not sell intoxicating beverages under such license after the
109 hours of serving or consumption of food have elapsed. Failure by
110 a licensee to meet the required percentage of food and
111 nonalcoholic beverage gross revenues during the covered
112 operating period shall result in revocation of the license or
113 denial of the pending license application. A licensee whose
114 license is revoked or an applicant whose pending application is
115 denied, or any person required to qualify on the special license
116 application, is ineligible to have any interest in a subsequent
117 application for such a license for a period of 120 days after
118 the date of the final denial or revocation;

119 5. Any caterer, deriving at least 51 percent of its gross
120 food and beverage revenue from the sale of food and nonalcoholic
121 beverages at each catered event, licensed by the Division of
122 Hotels and Restaurants under chapter 509. This subparagraph does
123 not apply to a culinary education program, as defined in s.
124 381.0072(2), which is licensed as a public food service
125 establishment by the Division of Hotels and Restaurants and

126 provides catering services. Notwithstanding any ~~other provision~~
127 ~~of~~ law to the contrary, a licensee under this subparagraph shall
128 sell or serve alcoholic beverages only for consumption on the
129 premises of a catered event at which the licensee is also
130 providing prepared food, and shall prominently display its
131 license at any catered event at which the caterer is selling or
132 serving alcoholic beverages. A licensee under this subparagraph
133 shall purchase all alcoholic beverages it sells or serves at a
134 catered event from a vendor licensed under s. 563.02(1), s.
135 564.02(1), or licensed under s. 565.02(1) subject to the
136 limitation imposed in subsection (1), as appropriate. A licensee
137 under this subparagraph may not store any alcoholic beverages to
138 be sold or served at a catered event. Any alcoholic beverages
139 purchased by a licensee under this subparagraph for a catered
140 event that are not used at that event must remain with the
141 customer; provided that if the vendor accepts unopened alcoholic
142 beverages, the licensee may return such alcoholic beverages to
143 the vendor for a credit or reimbursement. Regardless of the
144 county or counties in which the licensee operates, a licensee
145 under this subparagraph shall pay the annual state license tax
146 set forth in s. 565.02(1)(b). A licensee under this subparagraph
147 must maintain for a period of 3 years all records and receipts
148 for each catered event, including all contracts, customers'
149 names, event locations, event dates, food purchases and sales,
150 alcoholic beverage purchases and sales, nonalcoholic beverage

151 purchases and sales, and any other records required by the
152 department by rule to demonstrate compliance with the
153 requirements of this subparagraph, ~~including licensed vendor~~
154 ~~receipts for the purchase of alcoholic beverages and records~~
155 ~~identifying each customer and the location and date of each~~
156 ~~catered event~~. Notwithstanding any ~~provision of~~ law to the
157 contrary, any vendor licensed under s. 565.02(1) subject to the
158 limitation imposed in subsection (1), may, without any
159 additional licensure under this subparagraph, serve or sell
160 alcoholic beverages for consumption on the premises of a catered
161 event at which prepared food is provided by a caterer licensed
162 under chapter 509. If a licensee under this subparagraph also
163 possesses any other license under the Beverage Law, the license
164 issued under this subparagraph shall not authorize the holder to
165 conduct activities on the premises to which the other license or
166 licenses apply that would otherwise be prohibited by the terms
167 of that license or the Beverage Law. Nothing in this section
168 shall permit the licensee to conduct activities that are
169 otherwise prohibited by the Beverage Law or local law. The
170 Division of Alcoholic Beverages and Tobacco is hereby authorized
171 to adopt rules to administer the license created in this
172 subparagraph, to include rules governing licensure,
173 recordkeeping, and enforcement. The first \$300,000 in fees
174 collected by the division each fiscal year pursuant to this
175 subparagraph shall be deposited in the Department of Children

176 and Families' Operations and Maintenance Trust Fund to be used
177 only for alcohol and drug abuse education, treatment, and
178 prevention programs. The remainder of the fees collected shall
179 be deposited into the Hotel and Restaurant Trust Fund created
180 pursuant to s. 509.072; or

181 6. A culinary education program as defined in s.
182 381.0072(2) which is licensed as a public food service
183 establishment by the Division of Hotels and Restaurants.

184 a. This special license shall allow the sale and
185 consumption of alcoholic beverages on the licensed premises of
186 the culinary education program. The culinary education program
187 shall specify designated areas in the facility where the
188 alcoholic beverages may be consumed at the time of application.
189 Alcoholic beverages sold for consumption on the premises may be
190 consumed only in areas designated pursuant to s. 561.01(11) and
191 may not be removed from the designated area. Such license shall
192 be applicable only in and for designated areas used by the
193 culinary education program.

194 b. If the culinary education program provides catering
195 services, this special license shall also allow the sale and
196 consumption of alcoholic beverages on the premises of a catered
197 event at which the licensee is also providing prepared food. A
198 culinary education program that provides catering services is
199 not required to derive at least 51 percent of its gross revenue
200 from the sale of food and nonalcoholic beverages.

201 Notwithstanding any ~~other provision of~~ law to the contrary, a
202 licensee that provides catering services under this sub-
203 subparagraph shall prominently display its beverage license at
204 any catered event at which the caterer is selling or serving
205 alcoholic beverages. Regardless of the county or counties in
206 which the licensee operates, a licensee under this sub-
207 subparagraph shall pay the annual state license tax set forth in
208 s. 565.02(1)(b). A licensee under this sub-subparagraph must
209 maintain for a period of 3 years all records required by the
210 department by rule to demonstrate compliance with the
211 requirements of this sub-subparagraph.

212 c. If a licensee under this subparagraph also possesses
213 any other license under the Beverage Law, the license issued
214 under this subparagraph does not authorize the holder to conduct
215 activities on the premises to which the other license or
216 licenses apply that would otherwise be prohibited by the terms
217 of that license or the Beverage Law. Nothing in this
218 subparagraph shall permit the licensee to conduct activities
219 that are otherwise prohibited by the Beverage Law or local law.
220 Any culinary education program that holds a license to sell
221 alcoholic beverages shall comply with the age requirements set
222 forth in ss. 562.11(4), 562.111(2), and 562.13.

223 d. The Division of Alcoholic Beverages and Tobacco may
224 adopt rules to administer the license created in this
225 subparagraph, to include rules governing licensure,

226 recordkeeping, and enforcement.

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

230
 231 However, any license heretofore issued to any such hotel, motel,
 232 motor court, or restaurant or hereafter issued to any such
 233 hotel, motel, or motor court, including a condominium
 234 accommodation, under the general law shall not be moved to a new
 235 location, such license being valid only on the premises of such
 236 hotel, motel, motor court, or restaurant. Licenses issued to
 237 hotels, motels, motor courts, or restaurants under the general
 238 law and held by such hotels, motels, motor courts, or
 239 restaurants on May 24, 1947, shall be counted in the quota
 240 limitation contained in subsection (1). Any license issued for
 241 any hotel, motel, or motor court under ~~the provisions of~~ this
 242 law shall be issued only to the owner of the hotel, motel, or
 243 motor court or, in the event the hotel, motel, or motor court is
 244 leased, to the lessee of the hotel, motel, or motor court; and
 245 the license shall remain in the name of the owner or lessee so
 246 long as the license is in existence. Any special license now in
 247 existence heretofore issued under ~~the provisions of~~ this law
 248 cannot be renewed except in the name of the owner of the hotel,
 249 motel, motor court, or restaurant or, in the event the hotel,
 250 motel, motor court, or restaurant is leased, in the name of the

251 lessee of the hotel, motel, motor court, or restaurant in which
252 the license is located and must remain in the name of the owner
253 or lessee so long as the license is in existence. Any license
254 issued under this section shall be marked "Special," and nothing
255 herein provided shall limit, restrict, or prevent the issuance
256 of a special license for any restaurant or motel which shall
257 hereafter meet the requirements of the law existing immediately
258 prior to the effective date of this act, if construction of such
259 restaurant has commenced prior to the effective date of this act
260 and is completed within 30 days thereafter, or if an application
261 is on file for such special license at the time this act takes
262 effect; and any such licenses issued under this proviso may be
263 annually renewed as now provided by law. Nothing herein prevents
264 an application for transfer of a license to a bona fide
265 purchaser of any hotel, motel, motor court, or restaurant by the
266 purchaser of such facility or the transfer of such license
267 pursuant to law.

268 Section 4. Subsections (1) and (3) of section 561.331,
269 Florida Statutes, are amended to read:

270 561.331 Temporary license upon application for transfer,
271 change of location, or change of type or series.—

272 (1) Upon the filing of a properly completed application
273 for transfer pursuant to s. 561.32, which application does not
274 on its face disclose any reason for denying an alcoholic
275 beverage license, by any purchaser of a business that ~~which~~

276 possesses a beverage license of any type or series, the
277 purchaser of such business and the applicant for transfer are
278 entitled as a matter of right to receive a temporary beverage
279 license of the same type and series as that held by the seller
280 of such business. The temporary license will be valid for all
281 purposes under the Beverage Law until the application is denied
282 or until 14 days after the application is approved. Such
283 temporary beverage license shall be issued by the district
284 supervisor of the district in which the application for transfer
285 is made without the assessment of any additional fee or tax ~~upon~~
286 ~~the payment of a fee of \$100~~. A purchaser operating under ~~the~~
287 ~~provisions of~~ this subsection is subject to the same rights,
288 privileges, duties, and limitations of a beverage licensee as
289 are provided by law, except that purchases of alcoholic
290 beverages during the term of such temporary license shall be for
291 cash only. However, such cash-only restriction does not apply if
292 the entity holding a temporary license pursuant to this section
293 purchases alcoholic beverages as part of a single-transaction
294 cooperative purchase placed by a pool buying agent or if such
295 entity is also the holder of a state beverage license
296 authorizing the purchase of the same type of alcoholic beverages
297 as authorized under the temporary license.

298 (3) Upon the filing of a properly completed application to
299 change the type or series of a beverage license by any qualified
300 licensee having a beverage license of any type or series, which

301 application does not on its face disclose any reason for denying
302 an alcoholic beverage license, the licensee is entitled as a
303 matter of right to receive a temporary beverage license of the
304 type or series applied for, which temporary license is valid for
305 all purposes under the Beverage Law until the application is
306 denied or until 14 days after the application is approved. Such
307 temporary license shall be issued by the district supervisor of
308 the district in which the application for change of type or
309 series is made without the assessment of any additional fee or
310 tax. If the department issues a notice of intent to deny the
311 license application for failure of the applicant to disclose the
312 information required by s. 561.15(2) or (4), the temporary
313 license for transfer, change of location, or change of type of
314 series expires and shall not be extended during any proceeding
315 for administrative or judicial review pursuant to chapter 120.
316 ~~If the fee for the type or series or license applied for is~~
317 ~~greater than the fee for the license then held by the applicant,~~
318 ~~the applicant for such temporary license must pay a fee in the~~
319 ~~amount of \$100 or one-fourth of the difference between the fees,~~
320 ~~whichever amount is greater. A fee is not required for an~~
321 ~~application for a temporary license of a type or series for~~
322 ~~which the fee is the same as or less than the fee for the~~
323 ~~license then held by the applicant.~~ The holder of a temporary
324 license under this subsection is subject to the same rights,
325 privileges, duties, and limitations of a beverage licensee as

326 are provided by law.

327 Section 5. Paragraph (a) of subsection (2) of section
328 565.03, Florida Statutes, is amended to read:

329 565.03 License fees; manufacturers, distributors, brokers,
330 sales agents, and importers of alcoholic beverages; vendor
331 licenses and fees; distilleries and craft distilleries.—

332 (2)(a) A distillery or a craft distillery authorized to do
333 business under the Beverage Law shall pay an annual state
334 license tax for each plant or branch operating in the state, as
335 follows:

336 1. A distillery ~~if~~ engaged in the business of
337 manufacturing distilled spirits: ~~a state license tax of~~
338 \$4,000.

339 2. A craft distillery engaged in the business of
340 manufacturing distilled spirits: \$1,000.

341 ~~3.2.~~ A person ~~if~~ engaged in the business of rectifying and
342 blending spirituous liquors and nothing else: ~~a state license~~
343 ~~tax of~~ \$4,000.

344 Section 6. This act shall take effect July 1, 2017.