

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Sabatini offered the following:

**Amendment to Amendment (732827) (with title amendment)**

Between lines 4 and 5 of the amendment, insert:

Section 1. 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 limitation of the number of licenses as provided in this section does not prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in

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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 this subparagraph shall supersede local  
34 laws requiring a greater number of hotel rooms;

35 2. Any condominium accommodation of which no fewer than  
36 100 condominium units are wholly rentable to transients and  
37 which is licensed under chapter 509, except that the license  
38 shall be issued only to the person or corporation that operates

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39 the hotel or motel operation and not to the association of  
40 condominium owners;

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

50 4. A food service establishment that has 2,500 square feet  
51 of service area, is equipped to serve meals to 150 persons at  
52 one time, and derives at least 51 percent of its gross food and  
53 beverage revenue from the sale of food and nonalcoholic  
54 beverages during the first 60-day operating period and each 12-  
55 month operating period thereafter. A food service establishment  
56 granted a special license on or after January 1, 1958, pursuant  
57 to general or special law may not operate as a package store and  
58 may not sell intoxicating beverages under such license after the  
59 hours of serving or consumption of food have elapsed. Failure by  
60 a licensee to meet the required percentage of food and  
61 nonalcoholic beverage gross revenues during the covered  
62 operating period shall result in revocation of the license or  
63 denial of the pending license application. A licensee whose

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64 license is revoked or an applicant whose pending application is  
65 denied, or any person required to qualify on the special license  
66 application, is ineligible to have any interest in a subsequent  
67 application for such a license for a period of 120 days after  
68 the date of the final denial or revocation;

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

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

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

128         6. A culinary education program as defined in s.  
129 381.0072(2) which is licensed as a public food service  
130 establishment by the Division of Hotels and Restaurants.

131         a. This special license shall allow the sale and  
132 consumption of alcoholic beverages on the licensed premises of  
133 the culinary education program. The culinary education program  
134 shall specify designated areas in the facility where the  
135 alcoholic beverages may be consumed at the time of application.  
136 Alcoholic beverages sold for consumption on the premises may be  
137 consumed only in areas designated pursuant to s. 561.01(11) and  
138 may not be removed from the designated area. Such license shall

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139 | be applicable only in and for designated areas used by the  
140 | culinary education program.

141 |       b. If the culinary education program provides catering  
142 | services, this special license shall also allow the sale and  
143 | consumption of alcoholic beverages on the premises of a catered  
144 | event at which the licensee is also providing prepared food. A  
145 | culinary education program that provides catering services is  
146 | not required to derive at least 51 percent of its gross revenue  
147 | from the sale of food and nonalcoholic beverages.

148 | Notwithstanding any law to the contrary, a licensee that  
149 | provides catering services under this sub-subparagraph shall  
150 | prominently display its beverage license at any catered event at  
151 | which the caterer is selling or serving alcoholic beverages.  
152 | Regardless of the county or counties in which the licensee  
153 | operates, a licensee under this sub-subparagraph shall pay the  
154 | annual state license tax set forth in s. 565.02(1)(b). A  
155 | licensee under this sub-subparagraph must maintain for a period  
156 | of 3 years all records required by the department by rule to  
157 | demonstrate compliance with the requirements of this sub-  
158 | subparagraph.

159 |       c. If a licensee under this subparagraph also possesses  
160 | any other license under the Beverage Law, the license issued  
161 | under this subparagraph does not authorize the holder to conduct  
162 | activities on the premises to which the other license or  
163 | licenses apply that would otherwise be prohibited by the terms

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164 of that license or the Beverage Law. Nothing in this  
165 subparagraph shall permit the licensee to conduct activities  
166 that are otherwise prohibited by the Beverage Law or local law.  
167 Any culinary education program that holds a license to sell  
168 alcoholic beverages shall comply with the age requirements set  
169 forth in ss. 562.11(4), 562.111(2), and 562.13.

170 d. The Division of Alcoholic Beverages and Tobacco may  
171 adopt rules to administer the license created in this  
172 subparagraph, to include rules governing licensure,  
173 recordkeeping, and enforcement.

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

177  
178 However, any license heretofore issued to any such hotel, motel,  
179 motor court, or restaurant or hereafter issued to any such  
180 hotel, motel, or motor court, including a condominium  
181 accommodation, under the general law shall not be moved to a new  
182 location, such license being valid only on the premises of such  
183 hotel, motel, motor court, or restaurant. Licenses issued to  
184 hotels, motels, motor courts, or restaurants under the general  
185 law and held by such hotels, motels, motor courts, or  
186 restaurants on May 24, 1947, shall be counted in the quota  
187 limitation contained in subsection (1). Any license issued for  
188 any hotel, motel, or motor court under this law shall be issued

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

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**T I T L E   A M E N D M E N T**

Between lines 467 and 468 of the amendment, insert:  
561.20, F.S.; deleting a provision prohibiting a  
specified licensee from certain actions relating  
alcoholic beverages to be sold or served at a catered  
event; amending s.