

By Senator Bradley

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1                   A bill to be entitled  
2       An act relating to the Beverage Law; amending s.  
3       561.20, F.S.; authorizing certain food service  
4       establishments to sell or deliver alcoholic beverages  
5       for off-premises consumption if specified requirements  
6       are met; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10       Section 1. Paragraph (a) of subsection (2) of section  
11       561.20, Florida Statutes, is amended to read:

12       561.20 Limitation upon number of licenses issued.—

13       (2)(a) The limitation of the number of licenses as provided  
14       in this section does not prohibit the issuance of a special  
15       license to:

16       1. Any bona fide hotel, motel, or motor court of not fewer  
17       than 80 guest rooms in any county having a population of less  
18       than 50,000 residents, and of not fewer than 100 guest rooms in  
19       any county having a population of 50,000 residents or greater;  
20       or any bona fide hotel or motel located in a historic structure,  
21       as defined in s. 561.01(21), with fewer than 100 guest rooms  
22       which derives at least 51 percent of its gross revenue from the  
23       rental of hotel or motel rooms, which is licensed as a public  
24       lodging establishment by the Division of Hotels and Restaurants;  
25       provided, however, that a bona fide hotel or motel with no fewer  
26       than 10 and no more than 25 guest rooms which is a historic  
27       structure, as defined in s. 561.01(21), in a municipality that  
28       on the effective date of this act has a population, according to  
29       the University of Florida's Bureau of Economic and Business

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30 Research Estimates of Population for 1998, of no fewer than  
31 25,000 and no more than 35,000 residents and that is within a  
32 constitutionally chartered county may be issued a special  
33 license. This special license shall allow the sale and  
34 consumption of alcoholic beverages only on the licensed premises  
35 of the hotel or motel. In addition, the hotel or motel must  
36 derive at least 60 percent of its gross revenue from the rental  
37 of hotel or motel rooms and the sale of food and nonalcoholic  
38 beverages; provided that this subparagraph shall supersede local  
39 laws requiring a greater number of hotel rooms;

40       2. Any condominium accommodation of which no fewer than 100  
41 condominium units are wholly rentable to transients and which is  
42 licensed under chapter 509, except that the license shall be  
43 issued only to the person or corporation that operates the hotel  
44 or motel operation and not to the association of condominium  
45 owners;

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

55       4. A food service establishment that has 2,500 square feet  
56 of service area, is equipped to serve meals to 150 persons at  
57 one time, and derives at least 51 percent of its gross food and  
58 beverage revenue from the sale of food and nonalcoholic

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59 beverages during the first 60-day operating period and each 12-  
60 month operating period thereafter. A licensee under this  
61 subparagraph may sell or deliver alcoholic beverages by the  
62 package for off-premises consumption if the alcoholic beverage  
63 is in a sealed container and is accompanied by the sale of food  
64 within the same order. Any delivery of an alcoholic beverage  
65 under this subparagraph must comply with s. 561.57. A food  
66 service establishment granted a special license on or after  
67 January 1, 1958, pursuant to general or special law may not  
68 ~~operate as a package store and may not~~ sell intoxicating  
69 beverages under such license after the hours of serving or  
70 consumption of food have elapsed. Failure by a licensee to meet  
71 the required percentage of food and nonalcoholic beverage gross  
72 revenues during the covered operating period shall result in  
73 revocation of the license or denial of the pending license  
74 application. A licensee whose license is revoked or an applicant  
75 whose pending application is denied, or any person required to  
76 qualify on the special license application, is ineligible to  
77 have any interest in a subsequent application for such a license  
78 for a period of 120 days after the date of the final denial or  
79 revocation;

80 5. Any caterer, deriving at least 51 percent of its gross  
81 food and beverage revenue from the sale of food and nonalcoholic  
82 beverages at each catered event, licensed by the Division of  
83 Hotels and Restaurants under chapter 509. This subparagraph does  
84 not apply to a culinary education program, as defined in s.  
85 381.0072(2), which is licensed as a public food service  
86 establishment by the Division of Hotels and Restaurants and  
87 provides catering services. Notwithstanding any law to the

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88 contrary, a licensee under this subparagraph shall sell or serve  
89 alcoholic beverages only for consumption on the premises of a  
90 catered event at which the licensee is also providing prepared  
91 food, and shall prominently display its license at any catered  
92 event at which the caterer is selling or serving alcoholic  
93 beverages. A licensee under this subparagraph shall purchase all  
94 alcoholic beverages it sells or serves at a catered event from a  
95 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
96 under s. 565.02(1) subject to the limitation imposed in  
97 subsection (1), as appropriate. A licensee under this  
98 subparagraph may not store any alcoholic beverages to be sold or  
99 served at a catered event. Any alcoholic beverages purchased by  
100 a licensee under this subparagraph for a catered event that are  
101 not used at that event must remain with the customer; provided  
102 that if the vendor accepts unopened alcoholic beverages, the  
103 licensee may return such alcoholic beverages to the vendor for a  
104 credit or reimbursement. Regardless of the county or counties in  
105 which the licensee operates, a licensee under this subparagraph  
106 shall pay the annual state license tax set forth in s.  
107 565.02(1)(b). A licensee under this subparagraph must maintain  
108 for a period of 3 years all records and receipts for each  
109 catered event, including all contracts, customers' names, event  
110 locations, event dates, food purchases and sales, alcoholic  
111 beverage purchases and sales, nonalcoholic beverage purchases  
112 and sales, and any other records required by the department by  
113 rule to demonstrate compliance with the requirements of this  
114 subparagraph. Notwithstanding any law to the contrary, any  
115 vendor licensed under s. 565.02(1) subject to the limitation  
116 imposed in subsection (1), may, without any additional licensure

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117 under this subparagraph, serve or sell alcoholic beverages for  
118 consumption on the premises of a catered event at which prepared  
119 food is provided by a caterer licensed under chapter 509. If a  
120 licensee under this subparagraph also possesses any other  
121 license under the Beverage Law, the license issued under this  
122 subparagraph shall not authorize the holder to conduct  
123 activities on the premises to which the other license or  
124 licenses apply that would otherwise be prohibited by the terms  
125 of that license or the Beverage Law. Nothing in this section  
126 shall permit the licensee to conduct activities that are  
127 otherwise prohibited by the Beverage Law or local law. The  
128 Division of Alcoholic Beverages and Tobacco is hereby authorized  
129 to adopt rules to administer the license created in this  
130 subparagraph, to include rules governing licensure,  
131 recordkeeping, and enforcement. The first \$300,000 in fees  
132 collected by the division each fiscal year pursuant to this  
133 subparagraph shall be deposited in the Department of Children  
134 and Families' Operations and Maintenance Trust Fund to be used  
135 only for alcohol and drug abuse education, treatment, and  
136 prevention programs. The remainder of the fees collected shall  
137 be deposited into the Hotel and Restaurant Trust Fund created  
138 pursuant to s. 509.072; or

139 6. A culinary education program as defined in s.  
140 381.0072(2) which is licensed as a public food service  
141 establishment by the Division of Hotels and Restaurants.

142 a. This special license shall allow the sale and  
143 consumption of alcoholic beverages on the licensed premises of  
144 the culinary education program. The culinary education program  
145 shall specify designated areas in the facility where the

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146 alcoholic beverages may be consumed at the time of application.  
147 Alcoholic beverages sold for consumption on the premises may be  
148 consumed only in areas designated pursuant to s. 561.01(11) and  
149 may not be removed from the designated area. Such license shall  
150 be applicable only in and for designated areas used by the  
151 culinary education program.

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

170       c. If a licensee under this subparagraph also possesses any  
171 other license under the Beverage Law, the license issued under  
172 this subparagraph does not authorize the holder to conduct  
173 activities on the premises to which the other license or  
174 licenses apply that would otherwise be prohibited by the terms

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

181 d. The Division of Alcoholic Beverages and Tobacco may  
182 adopt rules to administer the license created in this  
183 subparagraph, to include rules governing licensure,  
184 recordkeeping, and enforcement.

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

188  
189 However, any license heretofore issued to any such hotel, motel,  
190 motor court, or restaurant or hereafter issued to any such  
191 hotel, motel, or motor court, including a condominium  
192 accommodation, under the general law shall not be moved to a new  
193 location, such license being valid only on the premises of such  
194 hotel, motel, motor court, or restaurant. Licenses issued to  
195 hotels, motels, motor courts, or restaurants under the general  
196 law and held by such hotels, motels, motor courts, or  
197 restaurants on May 24, 1947, shall be counted in the quota  
198 limitation contained in subsection (1). Any license issued for  
199 any hotel, motel, or motor court under this law shall be issued  
200 only to the owner of the hotel, motel, or motor court or, in the  
201 event the hotel, motel, or motor court is leased, to the lessee  
202 of the hotel, motel, or motor court; and the license shall  
203 remain in the name of the owner or lessee so long as the license

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204 is in existence. Any special license now in existence heretofore  
205 issued under this law cannot be renewed except in the name of  
206 the owner of the hotel, motel, motor court, or restaurant or, in  
207 the event the hotel, motel, motor court, or restaurant is  
208 leased, in the name of the lessee of the hotel, motel, motor  
209 court, or restaurant in which the license is located and must  
210 remain in the name of the owner or lessee so long as the license  
211 is in existence. Any license issued under this section shall be  
212 marked "Special," and nothing herein provided shall limit,  
213 restrict, or prevent the issuance of a special license for any  
214 restaurant or motel which shall hereafter meet the requirements  
215 of the law existing immediately prior to the effective date of  
216 this act, if construction of such restaurant has commenced prior  
217 to the effective date of this act and is completed within 30  
218 days thereafter, or if an application is on file for such  
219 special license at the time this act takes effect; and any such  
220 licenses issued under this proviso may be annually renewed as  
221 now provided by law. Nothing herein prevents an application for  
222 transfer of a license to a bona fide purchaser of any hotel,  
223 motel, motor court, or restaurant by the purchaser of such  
224 facility or the transfer of such license pursuant to law.

225 Section 2. This act shall take effect July 1, 2021.