

1 A bill to be entitled
 2 An act relating to the issuance of special beverage
 3 licenses; amending s. 561.20, F.S.; revising
 4 requirements for issuing special beverage licenses to
 5 certain food service establishments and entities
 6 operating certain clubs; 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) and paragraph
 11 (d) of subsection (7) of section 561.20, Florida Statutes, are
 12 amended to read:

13 561.20 Limitation upon number of licenses issued.—

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

17 1. Any bona fide hotel, motel, or motor court of not fewer
 18 than 80 guest rooms in any county having a population of less
 19 than 50,000 residents, and of not fewer than 100 guest rooms in
 20 any county having a population of 50,000 residents or greater;
 21 or any bona fide hotel or motel located in a historic structure,
 22 as defined in s. 561.01(20), with fewer than 100 guest rooms
 23 which derives at least 51 percent of its gross revenue from the
 24 rental of hotel or motel rooms, which is licensed as a public
 25 lodging establishment by the Division of Hotels and Restaurants;

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

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

47 | 3. Any condominium accommodation of which no fewer than 50
48 | condominium units are wholly rentable to transients, which is
49 | licensed under chapter 509, and which is located in any county
50 | having home rule under s. 10 or s. 11, Art. VIII of the State

51 Constitution of 1885, as amended, and incorporated by reference
52 in s. 6(e), Art. VIII of the State Constitution, except that the
53 license shall be issued only to the person or corporation that
54 operates the hotel or motel operation and not to the association
55 of condominium owners;

56 4. A bona fide food service establishment that has a
57 minimum of 2,000 ~~2,500~~ square feet of service area, is equipped
58 to serve meals to 120 ~~150~~ persons at one time, has at least 120
59 physical seats available for patrons to use during operating
60 hours, holds itself out as a restaurant, and derives at least 51
61 percent of its gross food and beverage revenue from the sale of
62 food and nonalcoholic beverages during the first 120-day
63 operating period and the first 12-month operating period
64 thereafter. Subsequent audit timeframes must be based upon the
65 audit percentage established by the most recent audit and
66 conducted on a staggered scale as follows: level 1, 51 percent
67 to 60 percent, every year; level 2, 61 percent to 75 percent,
68 every 2 years; level 3, 76 percent to 90 percent, every 3 years;
69 and level 4, 91 percent to 100 percent, every 4 years. A
70 licensee under this subparagraph may sell or deliver alcoholic
71 beverages in a sealed container for off-premises consumption if
72 the sale or delivery is accompanied by the sale of food within
73 the same order. Such authorized sale or delivery includes wine-
74 based and liquor-based beverages prepared by the licensee or its
75 employee and packaged in a container sealed by the licensee or

76 | its employee. This subparagraph may not be construed to
77 | authorize public food service establishments licensed under this
78 | subparagraph to sell a bottle of distilled spirits sealed by a
79 | manufacturer. Any sale or delivery of malt beverages must comply
80 | with the container size, labeling, and filling requirements
81 | imposed under s. 563.06. Any delivery of an alcoholic beverage
82 | under this subparagraph must comply with s. 561.57. An alcoholic
83 | beverage drink prepared by the vendor and sold or delivered for
84 | consumption off the premises must be placed in a container
85 | securely sealed by the licensee or its employees with an
86 | unbroken seal that prevents the beverage from being immediately
87 | consumed before removal from the premises. Such alcoholic
88 | beverage also must be placed in a bag or other container that is
89 | secured in such a manner that it is visibly apparent if the
90 | container has been subsequently opened or tampered with, and a
91 | dated receipt for the alcoholic beverage and food must be
92 | provided by the licensee and attached to the bag or container.
93 | If transported in a motor vehicle, an alcoholic beverage that is
94 | not in a container sealed by the manufacturer must be placed in
95 | a locked compartment, a locked trunk, or the area behind the
96 | last upright seat of a motor vehicle. It is a violation of the
97 | prohibition in s. 562.11 to allow any person under the age of 21
98 | to deliver alcoholic beverages on behalf of a vendor. The vendor
99 | or the agent or employee of the vendor must verify the age of
100 | the person making the delivery of the alcoholic beverage before

101 allowing any person to take possession of an alcoholic beverage
 102 for the purpose of making a delivery on behalf of a vendor under
 103 this section. A food service establishment granted a special
 104 license on or after January 1, 1958, pursuant to general or
 105 special law may not operate as a package store and may not sell
 106 intoxicating beverages under such license after the hours of
 107 serving or consumption of food have elapsed. Failure by a
 108 licensee to meet the required percentage of food and
 109 nonalcoholic beverage gross revenues during the covered
 110 operating period shall result in revocation of the license or
 111 denial of the pending license application. A licensee whose
 112 license is revoked or an applicant whose pending application is
 113 denied, or any person required to qualify on the special license
 114 application, is ineligible to have any interest in a subsequent
 115 application for such a license for a period of 120 days after
 116 the date of the final denial or revocation;

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

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

151 subparagraph. Notwithstanding any law to the contrary, any
152 vendor licensed under s. 565.02(1) subject to the limitation
153 imposed in subsection (1), may, without any additional licensure
154 under this subparagraph, serve or sell alcoholic beverages for
155 consumption on the premises of a catered event at which prepared
156 food is provided by a caterer licensed under chapter 509. If a
157 licensee under this subparagraph also possesses any other
158 license under the Beverage Law, the license issued under this
159 subparagraph may not authorize the holder to conduct activities
160 on the premises to which the other license or licenses apply
161 that would otherwise be prohibited by the terms of that license
162 or the Beverage Law. This section does not permit the licensee
163 to conduct activities that are otherwise prohibited by the
164 Beverage Law or local law. The Division of Alcoholic Beverages
165 and Tobacco is hereby authorized to adopt rules to administer
166 the license created in this subparagraph, to include rules
167 governing licensure, recordkeeping, and enforcement. The first
168 \$300,000 in fees collected by the division each fiscal year
169 pursuant to this subparagraph shall be deposited in the
170 Department of Children and Families' Operations and Maintenance
171 Trust Fund to be used only for alcohol and drug abuse education,
172 treatment, and prevention programs. The remainder of the fees
173 collected shall be deposited into the Hotel and Restaurant Trust
174 Fund created pursuant to s. 509.072; or

175 6. A culinary education program as defined in s.

176 381.0072(2) which is licensed as a public food service
177 establishment by the Division of Hotels and Restaurants.

178 a. This special license shall allow the sale and
179 consumption of alcoholic beverages on the licensed premises of
180 the culinary education program. The culinary education program
181 shall specify designated areas in the facility where the
182 alcoholic beverages may be consumed at the time of application.
183 Alcoholic beverages sold for consumption on the premises may be
184 consumed only in areas designated under s. 561.01(11) and may
185 not be removed from the designated area. Such license shall be
186 applicable only in and for designated areas used by the culinary
187 education program.

188 b. If the culinary education program provides catering
189 services, this special license shall also allow the sale and
190 consumption of alcoholic beverages on the premises of a catered
191 event at which the licensee is also providing prepared food. A
192 culinary education program that provides catering services is
193 not required to derive at least 51 percent of its gross revenue
194 from the sale of food and nonalcoholic beverages.
195 Notwithstanding any law to the contrary, a licensee that
196 provides catering services under this sub-subparagraph shall
197 prominently display its beverage license at any catered event at
198 which the caterer is selling or serving alcoholic beverages.
199 Regardless of the county or counties in which the licensee
200 operates, a licensee under this sub-subparagraph shall pay the

201 annual state license tax set forth in s. 565.02(1)(b). A
202 licensee under this sub-subparagraph must maintain for a period
203 of 3 years all records required by the department by rule to
204 demonstrate compliance with the requirements of this sub-
205 subparagraph.

206 c. If a licensee under this subparagraph also possesses
207 any other license under the Beverage Law, the license issued
208 under this subparagraph does not authorize the holder to conduct
209 activities on the premises to which the other license or
210 licenses apply that would otherwise be prohibited by the terms
211 of that license or the Beverage Law. This subparagraph does not
212 permit the licensee to conduct activities that are otherwise
213 prohibited by the Beverage Law or local law. Any culinary
214 education program that holds a license to sell alcoholic
215 beverages shall comply with the age requirements set forth in
216 ss. 562.11(4), 562.111(2), and 562.13.

217 d. The Division of Alcoholic Beverages and Tobacco may
218 adopt rules to administer the license created in this
219 subparagraph, to include rules governing licensure,
220 recordkeeping, and enforcement.

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

224
225 However, any license heretofore issued to any such hotel, motel,

226 motor court, or restaurant or hereafter issued to any such
 227 hotel, motel, or motor court, including a condominium
 228 accommodation, under the general law may not be moved to a new
 229 location, such license being valid only on the premises of such
 230 hotel, motel, motor court, or restaurant. Licenses issued to
 231 hotels, motels, motor courts, or restaurants under the general
 232 law and held by such hotels, motels, motor courts, or
 233 restaurants on May 24, 1947, shall be counted in the quota
 234 limitation contained in subsection (1). Any license issued for
 235 any hotel, motel, or motor court under this law shall be issued
 236 only to the owner of the hotel, motel, or motor court or, in the
 237 event the hotel, motel, or motor court is leased, to the lessee
 238 of the hotel, motel, or motor court; and the license shall
 239 remain in the name of the owner or lessee so long as the license
 240 is in existence. Any special license now in existence heretofore
 241 issued under this law cannot be renewed except in the name of
 242 the owner of the hotel, motel, motor court, or restaurant or, in
 243 the event the hotel, motel, motor court, or restaurant is
 244 leased, in the name of the lessee of the hotel, motel, motor
 245 court, or restaurant in which the license is located and must
 246 remain in the name of the owner or lessee so long as the license
 247 is in existence. Any license issued under this section shall be
 248 marked "Special," and nothing herein provided shall limit,
 249 restrict, or prevent the issuance of a special license for any
 250 restaurant or motel which shall hereafter meet the requirements

251 of the law existing immediately before the effective date of
252 this act, if construction of such restaurant has commenced
253 before the effective date of this act and is completed within 30
254 days thereafter, or if an application is on file for such
255 special license at the time this act takes effect; and any such
256 licenses issued under this proviso may be annually renewed as
257 now provided by law. Nothing herein prevents an application for
258 transfer of a license to a bona fide purchaser of any hotel,
259 motel, motor court, or restaurant by the purchaser of such
260 facility or the transfer of such license pursuant to law.

261 (7)

262 (d) Any corporation, partnership, or individual operating
263 a club which owns or leases and which maintains any bona fide
264 beach or cabana club consisting of beach facilities, swimming
265 pool, locker rooms or bathroom ~~with~~ facilities for at least 100
266 persons, and a public food service establishment as defined in
267 s. 509.013(5)(a) ~~restaurant with seats at tables for at least~~
268 ~~100 persons~~, comprising in all an area of at least 5,000 square
269 feet located on a contiguous tract of land of in excess of 1
270 acre may be issued a license under s. 565.02(4). The failure of
271 such club to maintain the facilities shall be a ground for
272 revocation of the license.

273 Section 2. This act shall take effect July 1, 2023.