

By Senator DiCeglie

18-00531A-25

20251200__

1 A bill to be entitled
2 An act relating to special alcoholic beverage licenses
3 issued to residential condominiums; amending s.
4 561.20, F.S.; excluding certain residential
5 condominiums that sell alcoholic beverages from the
6 limitation on the number of specified licenses issued;
7 requiring that licenses be issued only to the person
8 or corporation that manages the food and beverage
9 operations; prohibiting a licensee from selling
10 certain alcoholic beverages for off-premises
11 consumption; prohibiting a licensee from selling
12 alcoholic beverages after the time for serving or
13 consumption of food has elapsed; amending ss. 316.1936
14 and 565.045, F.S.; conforming cross-references;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (a) of subsection (2) of section
20 561.20, Florida Statutes, is amended to read:

21 561.20 Limitation upon number of licenses issued.-

22 (2) (a) The limitation of the number of licenses as provided
23 in this section does not prohibit the issuance of a special
24 license to:

25 1. Any bona fide hotel, motel, or motor court of not fewer
26 than 80 guest rooms in any county having a population of less
27 than 50,000 residents, and of not fewer than 100 guest rooms in
28 any county having a population of 50,000 residents or greater;
29 or any bona fide hotel or motel located in a historic structure,

18-00531A-25

20251200__

30 as defined in s. 561.01(20), with fewer than 100 guest rooms
31 which derives at least 51 percent of its gross revenue from the
32 rental of hotel or motel rooms, which is licensed as a public
33 lodging establishment by the Division of Hotels and Restaurants;
34 provided, however, that a bona fide hotel or motel with no fewer
35 than 10 and no more than 25 guest rooms which is a historic
36 structure, as defined in s. 561.01(20), in a municipality that
37 on the effective date of this act has a population, according to
38 the University of Florida's Bureau of Economic and Business
39 Research Estimates of Population for 1998, of no fewer than
40 25,000 and no more than 35,000 residents and that is within a
41 constitutionally chartered county may be issued a special
42 license. This special license shall allow the sale and
43 consumption of alcoholic beverages only on the licensed premises
44 of the hotel or motel. In addition, the hotel or motel must
45 derive at least 60 percent of its gross revenue from the rental
46 of hotel or motel rooms and the sale of food and nonalcoholic
47 beverages; provided that this subparagraph shall supersede local
48 laws requiring a greater number of hotel rooms;

49 2. Any condominium accommodation of which no fewer than 100
50 condominium units are wholly rentable to transients and which is
51 licensed under chapter 509, except that the license shall be
52 issued only to the person or corporation that operates the hotel
53 or motel operation and not to the association of condominium
54 owners;

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

18-00531A-25

20251200__

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

64 4. Any residential condominium of which no fewer than 50
65 condominium units are wholly owned by or rented to nontransients
66 which regularly offers food and beverages amenities to its
67 residents and which is licensed as a food service establishment
68 under chapter 381, chapter 500, or chapter 509, provided that
69 the sale of alcoholic beverages is limited to consumption on the
70 premises only to residents of the condominium and their
71 nonresident guests, except that the license shall be issued only
72 to the person or corporation that manages the food and beverage
73 operations and not to the association of condominium owners. A
74 licensee granted a license under this subparagraph may not sell
75 alcoholic beverages by the package for off-premises consumption
76 and may not sell alcoholic beverages under such license after
77 the hours of serving or consumption of food have elapsed;

78 ~~5.4.~~ A bona fide food service establishment that has a
79 minimum of 2,000 square feet of service area, is equipped to
80 serve meals to 120 persons at one time, has at least 120
81 physical seats available for patrons to use during operating
82 hours, holds itself out as a restaurant, and derives at least 51
83 percent of its gross food and beverage revenue from the sale of
84 food and nonalcoholic beverages during the first 120-day
85 operating period and the first 12-month operating period
86 thereafter. Subsequent audit timeframes must be based upon the
87 audit percentage established by the most recent audit and

18-00531A-25

20251200__

88 conducted on a staggered scale as follows: level 1, 51 percent
89 to 60 percent, every year; level 2, 61 percent to 75 percent,
90 every 2 years; level 3, 76 percent to 90 percent, every 3 years;
91 and level 4, 91 percent to 100 percent, every 4 years. A
92 licensee under this subparagraph may sell or deliver alcoholic
93 beverages in a sealed container for off-premises consumption if
94 the sale or delivery is accompanied by the sale of food within
95 the same order. Such authorized sale or delivery includes wine-
96 based and liquor-based beverages prepared by the licensee or its
97 employee and packaged in a container sealed by the licensee or
98 its employee. This subparagraph may not be construed to
99 authorize public food service establishments licensed under this
100 subparagraph to sell a bottle of distilled spirits sealed by a
101 manufacturer. Any sale or delivery of malt beverages must comply
102 with the container size, labeling, and filling requirements
103 imposed under s. 563.06. Any delivery of an alcoholic beverage
104 under this subparagraph must comply with s. 561.57. An alcoholic
105 beverage drink prepared by the vendor and sold or delivered for
106 consumption off the premises must be placed in a container
107 securely sealed by the licensee or its employees with an
108 unbroken seal that prevents the beverage from being immediately
109 consumed before removal from the premises. Such alcoholic
110 beverage also must be placed in a bag or other container that is
111 secured in such a manner that it is visibly apparent if the
112 container has been subsequently opened or tampered with, and a
113 dated receipt for the alcoholic beverage and food must be
114 provided by the licensee and attached to the bag or container.
115 If transported in a motor vehicle, an alcoholic beverage that is
116 not in a container sealed by the manufacturer must be placed in

18-00531A-25

20251200__

117 a locked compartment, a locked trunk, or the area behind the
118 last upright seat of a motor vehicle. It is a violation of the
119 prohibition in s. 562.11 to allow any person under the age of 21
120 to deliver alcoholic beverages on behalf of a vendor. The vendor
121 or the agent or employee of the vendor must verify the age of
122 the person making the delivery of the alcoholic beverage before
123 allowing any person to take possession of an alcoholic beverage
124 for the purpose of making a delivery on behalf of a vendor under
125 this section. A food service establishment granted a special
126 license on or after January 1, 1958, pursuant to general or
127 special law may not operate as a package store and may not sell
128 intoxicating beverages under such license after the hours of
129 serving or consumption of food have elapsed. Failure by a
130 licensee to meet the required percentage of food and
131 nonalcoholic beverage gross revenues during the covered
132 operating period shall result in revocation of the license or
133 denial of the pending license application. A licensee whose
134 license is revoked or an applicant whose pending application is
135 denied, or any person required to qualify on the special license
136 application, is ineligible to have any interest in a subsequent
137 application for such a license for a period of 120 days after
138 the date of the final denial or revocation;

139 6.5. Any caterer, deriving at least 51 percent of its gross
140 food and beverage revenue from the sale of food and nonalcoholic
141 beverages at each catered event, licensed by the Division of
142 Hotels and Restaurants under chapter 509. This subparagraph does
143 not apply to a culinary education program, as defined in s.
144 381.0072(2), which is licensed as a public food service
145 establishment by the Division of Hotels and Restaurants and

18-00531A-25

20251200__

146 provides catering services. Notwithstanding any law to the
147 contrary, a licensee under this subparagraph shall sell or serve
148 alcoholic beverages only for consumption on the premises of a
149 catered event at which the licensee is also providing prepared
150 food, and shall prominently display its license at any catered
151 event at which the caterer is selling or serving alcoholic
152 beverages. A licensee under this subparagraph shall purchase all
153 alcoholic beverages it sells or serves at a catered event from a
154 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
155 under s. 565.02(1) subject to the limitation imposed in
156 subsection (1), as appropriate. A licensee under this
157 subparagraph may not store any alcoholic beverages to be sold or
158 served at a catered event. Any alcoholic beverages purchased by
159 a licensee under this subparagraph for a catered event that are
160 not used at that event must remain with the customer; provided
161 that if the vendor accepts unopened alcoholic beverages, the
162 licensee may return such alcoholic beverages to the vendor for a
163 credit or reimbursement. Regardless of the county or counties in
164 which the licensee operates, a licensee under this subparagraph
165 shall pay the annual state license tax set forth in s.
166 565.02(1)(b). A licensee under this subparagraph must maintain
167 for a period of 3 years all records and receipts for each
168 catered event, including all contracts, customers' names, event
169 locations, event dates, food purchases and sales, alcoholic
170 beverage purchases and sales, nonalcoholic beverage purchases
171 and sales, and any other records required by the department by
172 rule to demonstrate compliance with the requirements of this
173 subparagraph. Notwithstanding any law to the contrary, any
174 vendor licensed under s. 565.02(1) subject to the limitation

18-00531A-25

20251200__

175 imposed in subsection (1), may, without any additional licensure
176 under this subparagraph, serve or sell alcoholic beverages for
177 consumption on the premises of a catered event at which prepared
178 food is provided by a caterer licensed under chapter 509. If a
179 licensee under this subparagraph also possesses any other
180 license under the Beverage Law, the license issued under this
181 subparagraph may not authorize the holder to conduct activities
182 on the premises to which the other license or licenses apply
183 that would otherwise be prohibited by the terms of that license
184 or the Beverage Law. This section does not permit the licensee
185 to conduct activities that are otherwise prohibited by the
186 Beverage Law or local law. The Division of Alcoholic Beverages
187 and Tobacco is hereby authorized to adopt rules to administer
188 the license created in this subparagraph, to include rules
189 governing licensure, recordkeeping, and enforcement. The first
190 \$300,000 in fees collected by the division each fiscal year
191 pursuant to this subparagraph shall be deposited in the
192 Department of Children and Families' Operations and Maintenance
193 Trust Fund to be used only for alcohol and drug abuse education,
194 treatment, and prevention programs. The remainder of the fees
195 collected shall be deposited into the Hotel and Restaurant Trust
196 Fund created pursuant to s. 509.072; or

197 7.6- A culinary education program as defined in s.
198 381.0072(2) which is licensed as a public food service
199 establishment by the Division of Hotels and Restaurants.

200 a. This special license shall allow the sale and
201 consumption of alcoholic beverages on the licensed premises of
202 the culinary education program. The culinary education program
203 shall specify designated areas in the facility where the

18-00531A-25

20251200__

204 alcoholic beverages may be consumed at the time of application.
205 Alcoholic beverages sold for consumption on the premises may be
206 consumed only in areas designated under s. 561.01(11) and may
207 not be removed from the designated area. Such license shall be
208 applicable only in and for designated areas used by the culinary
209 education program.

210 b. If the culinary education program provides catering
211 services, this special license shall also allow the sale and
212 consumption of alcoholic beverages on the premises of a catered
213 event at which the licensee is also providing prepared food. A
214 culinary education program that provides catering services is
215 not required to derive at least 51 percent of its gross revenue
216 from the sale of food and nonalcoholic beverages.
217 Notwithstanding any law to the contrary, a licensee that
218 provides catering services under this sub-subparagraph shall
219 prominently display its beverage license at any catered event at
220 which the caterer is selling or serving alcoholic beverages.
221 Regardless of the county or counties in which the licensee
222 operates, a licensee under this sub-subparagraph shall pay the
223 annual state license tax set forth in s. 565.02(1)(b). A
224 licensee under this sub-subparagraph must maintain for a period
225 of 3 years all records required by the department by rule to
226 demonstrate compliance with the requirements of this sub-
227 subparagraph.

228 c. If a licensee under this subparagraph also possesses any
229 other license under the Beverage Law, the license issued under
230 this subparagraph does not authorize the holder to conduct
231 activities on the premises to which the other license or
232 licenses apply that would otherwise be prohibited by the terms

18-00531A-25

20251200__

233 of that license or the Beverage Law. This subparagraph does not
234 permit the licensee to conduct activities that are otherwise
235 prohibited by the Beverage Law or local law. Any culinary
236 education program that holds a license to sell alcoholic
237 beverages shall comply with the age requirements set forth in
238 ss. 562.11(4), 562.111(2), and 562.13.

239 d. The Division of Alcoholic Beverages and Tobacco may
240 adopt rules to administer the license created in this
241 subparagraph, to include rules governing licensure,
242 recordkeeping, and enforcement.

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

246
247 However, any license heretofore issued to any such hotel, motel,
248 motor court, or restaurant or hereafter issued to any such
249 hotel, motel, or motor court, including a condominium
250 accommodation, under the general law may not be moved to a new
251 location, such license being valid only on the premises of such
252 hotel, motel, motor court, or restaurant. Licenses issued to
253 hotels, motels, motor courts, or restaurants under the general
254 law and held by such hotels, motels, motor courts, or
255 restaurants on May 24, 1947, shall be counted in the quota
256 limitation contained in subsection (1). Any license issued for
257 any hotel, motel, or motor court under this law shall be issued
258 only to the owner of the hotel, motel, or motor court or, in the
259 event the hotel, motel, or motor court is leased, to the lessee
260 of the hotel, motel, or motor court; and the license shall
261 remain in the name of the owner or lessee so long as the license

18-00531A-25

20251200__

262 is in existence. Any special license now in existence heretofore
263 issued under this law cannot be renewed except in the name of
264 the owner of the hotel, motel, motor court, or restaurant or, in
265 the event the hotel, motel, motor court, or restaurant is
266 leased, in the name of the lessee of the hotel, motel, motor
267 court, or restaurant in which the license is located and must
268 remain in the name of the owner or lessee so long as the license
269 is in existence. Any license issued under this section shall be
270 marked "Special," and nothing herein provided shall limit,
271 restrict, or prevent the issuance of a special license for any
272 restaurant or motel which shall hereafter meet the requirements
273 of the law existing immediately before the effective date of
274 this act, if construction of such restaurant has commenced
275 before the effective date of this act and is completed within 30
276 days thereafter, or if an application is on file for such
277 special license at the time this act takes effect; and any such
278 licenses issued under this proviso may be annually renewed as
279 now provided by law. Nothing herein prevents an application for
280 transfer of a license to a bona fide purchaser of any hotel,
281 motel, motor court, or restaurant by the purchaser of such
282 facility or the transfer of such license pursuant to law.

283 Section 2. Subsection (9) of section 316.1936, Florida
284 Statutes, is amended to read:

285 316.1936 Possession of open containers of alcoholic
286 beverages in vehicles prohibited; penalties.—

287 (9) An alcoholic beverage that has been sealed by a
288 licensee or the employee of a licensee and is transported
289 pursuant to s. 564.09, s. 561.20(2)(a)5 ~~s. 561.20(2)(a)4.~~, or s.
290 565.045(1) is not an open container under this section.

18-00531A-25

20251200__

291 Section 3. Paragraph (c) of subsection (1) of section
292 565.045, Florida Statutes, is amended to read:

293 565.045 Regulations for consumption on premises; penalty;
294 exemptions.—

295 (1) Vendors licensed under s. 565.02(1)(b)-(f):

296 (c) May sell or deliver alcoholic beverages prepared by the
297 licensee for off-premises consumption if the alcoholic beverage
298 is in a container sealed by the licensee. All sales or
299 deliveries of alcoholic beverages made pursuant to this
300 paragraph must satisfy the following requirements:

301 1. The vendor must be licensed as a public food service
302 establishment under chapter 509;

303 2. The sale or delivery must be accompanied by the sale of
304 food within the same order;

305 3. The charge for the sale of food and nonalcoholic
306 beverages must be at least 40 percent of the total charge for
307 the order, excluding the charge for any manufacturer-sealed
308 containers of alcoholic beverages included in the order; and

309 4. Sales and deliveries of the alcoholic beverages may not
310 occur after the vendor ceases preparing food on the licensed
311 premises for the day or after midnight, whichever is earlier.
312

313 The requirement in subparagraph 3. does not apply to vendors
314 licensed under s. 561.20(2)(a)5 ~~s. 561.20(2)(a)4~~.

315 Section 4. This act shall take effect July 1, 2025.