

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 of the number of specified licenses issued;  
 7           requiring licenses to be issued only to the person or  
 8           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  
 23           provided in this section does not prohibit the issuance of a  
 24           special 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,  
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  
50 | 100 condominium units are wholly rentable to transients and

51 | which is licensed under chapter 509, except that the license  
52 | shall be issued only to the person or corporation that operates  
53 | the hotel or motel operation and not to the association of  
54 | condominium 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  
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 | that 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-premise 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  
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  
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  
140 | gross food and beverage revenue from the sale of food and  
141 | nonalcoholic beverages at each catered event, licensed by the  
142 | Division of Hotels and Restaurants under chapter 509. This  
143 | subparagraph does not apply to a culinary education program, as  
144 | defined in s. 381.0072(2), which is licensed as a public food  
145 | service establishment by the Division of Hotels and Restaurants  
146 | and 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  
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  
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  
229 any other license under the Beverage Law, the license issued  
230 under 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  
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  
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  
290 s. 565.045(1) is not an open container under this section.

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  
297 the licensee for off-premises consumption if the alcoholic  
298 beverage 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.

CODING: Words **stricken** are deletions; words **underlined** are additions.