

By Senator Leek

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A bill to be entitled
An act relating to issuance of special beverage
licenses; amending s. 561.20, F.S.; revising the
service area square footage and capacity of a bona
fide food service establishment that may be issued a
special beverage license; providing an effective date.

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

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
any county having a population of 50,000 residents or greater;
or any bona fide hotel or motel located in a historic structure,
as defined in s. 561.01(20), with fewer than 100 guest rooms
which derives at least 51 percent of its gross revenue from the
rental of hotel or motel rooms, which is licensed as a public
lodging establishment by the Division of Hotels and Restaurants;
provided, however, that a bona fide hotel or motel with no fewer
than 10 and no more than 25 guest rooms which is a historic
structure, as defined in s. 561.01(20), in a municipality that
on the effective date of this act has a population, according to
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 bona fide food service establishment that has a
56 minimum of 1,200 ~~2,000~~ square feet of service area, is equipped
57 to serve meals to 80 ~~120~~ persons at one time, has at least 80
58 ~~120~~ physical seats available for patrons to use during operating

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hours, holds itself out as a restaurant, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter. Subsequent audit timeframes must be based upon the audit percentage established by the most recent audit and conducted on a staggered scale as follows: level 1, 51 percent to 60 percent, every year; level 2, 61 percent to 75 percent, every 2 years; level 3, 76 percent to 90 percent, every 3 years; and level 4, 91 percent to 100 percent, every 4 years. A licensee under this subparagraph may sell or deliver alcoholic beverages in a sealed container for off-premises consumption if the sale or delivery is accompanied by the sale of food within the same order. Such authorized sale or delivery includes wine-based and liquor-based beverages prepared by the licensee or its employee and packaged in a container sealed by the licensee or its employee. This subparagraph may not be construed to authorize public food service establishments licensed under this subparagraph to sell a bottle of distilled spirits sealed by a manufacturer. Any sale or delivery of malt beverages must comply with the container size, labeling, and filling requirements imposed under s. 563.06. Any delivery of an alcoholic beverage under this subparagraph must comply with s. 561.57. An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises must be placed in a container securely sealed by the licensee or its employees with an unbroken seal that prevents the beverage from being immediately consumed before removal from the premises. Such alcoholic beverage also must be placed in a bag or other container that is

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secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the alcoholic beverage and food must be provided by the licensee and attached to the bag or container. If transported in a motor vehicle, an alcoholic beverage that is not in a container sealed by the manufacturer must be placed in a locked compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle. It is a violation of the prohibition in s. 562.11 to allow any person under the age of 21 to deliver alcoholic beverages on behalf of a vendor. The vendor or the agent or employee of the vendor must verify the age of the person making the delivery of the alcoholic beverage before allowing any person to take possession of an alcoholic beverage for the purpose of making a delivery on behalf of a vendor under this section. A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

5. Any caterer, deriving at least 51 percent of its gross

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117 food and beverage revenue from the sale of food and nonalcoholic
118 beverages at each catered event, licensed by the Division of
119 Hotels and Restaurants under chapter 509. This subparagraph does
120 not apply to a culinary education program, as defined in s.
121 381.0072(2), which is licensed as a public food service
122 establishment by the Division of Hotels and Restaurants and
123 provides catering services. Notwithstanding any law to the
124 contrary, a licensee under this subparagraph shall sell or serve
125 alcoholic beverages only for consumption on the premises of a
126 catered event at which the licensee is also providing prepared
127 food, and shall prominently display its license at any catered
128 event at which the caterer is selling or serving alcoholic
129 beverages. A licensee under this subparagraph shall purchase all
130 alcoholic beverages it sells or serves at a catered event from a
131 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
132 under s. 565.02(1) subject to the limitation imposed in
133 subsection (1), as appropriate. A licensee under this
134 subparagraph may not store any alcoholic beverages to be sold or
135 served at a catered event. Any alcoholic beverages purchased by
136 a licensee under this subparagraph for a catered event that are
137 not used at that event must remain with the customer; provided
138 that if the vendor accepts unopened alcoholic beverages, the
139 licensee may return such alcoholic beverages to the vendor for a
140 credit or reimbursement. Regardless of the county or counties in
141 which the licensee operates, a licensee under this subparagraph
142 shall pay the annual state license tax set forth in s.
143 565.02(1)(b). A licensee under this subparagraph must maintain
144 for a period of 3 years all records and receipts for each
145 catered event, including all contracts, customers' names, event

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locations, event dates, food purchases and sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by the department by rule to demonstrate compliance with the requirements of this subparagraph. Notwithstanding any law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph may not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. This section does not permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first \$300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072; or

6. A culinary education program as defined in s.

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

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

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

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subparagraph.

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

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

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

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law may not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota

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limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately before the effective date of this act, if construction of such restaurant has commenced before the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 2. This act shall take effect July 1, 2026.