

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

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

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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  
14       provided in this section does not prohibit the issuance of a  
15       special 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(20), 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(20), 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  
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  
41 | 100 condominium units are wholly rentable to transients and  
42 | which is licensed under chapter 509, except that the license  
43 | shall be issued only to the person or corporation that operates  
44 | the hotel or motel operation and not to the association of  
45 | condominium 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  
59 hours, holds itself out as a restaurant, and derives at least 51  
60 percent of its gross food and beverage revenue from the sale of  
61 food and nonalcoholic beverages during the first 120-day  
62 operating period and the first 12-month operating period  
63 thereafter. Subsequent audit timeframes must be based upon the  
64 audit percentage established by the most recent audit and  
65 conducted on a staggered scale as follows: level 1, 51 percent  
66 to 60 percent, every year; level 2, 61 percent to 75 percent,  
67 every 2 years; level 3, 76 percent to 90 percent, every 3 years;  
68 and level 4, 91 percent to 100 percent, every 4 years. A  
69 licensee under this subparagraph may sell or deliver alcoholic  
70 beverages in a sealed container for off-premises consumption if  
71 the sale or delivery is accompanied by the sale of food within  
72 the same order. Such authorized sale or delivery includes wine-  
73 based and liquor-based beverages prepared by the licensee or its  
74 employee and packaged in a container sealed by the licensee or  
75 its employee. This subparagraph may not be construed to

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

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

116       5. Any caterer, deriving at least 51 percent of its gross  
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  
146 locations, event dates, food purchases and sales, alcoholic  
147 beverage purchases and sales, nonalcoholic beverage purchases  
148 and sales, and any other records required by the department by  
149 rule to demonstrate compliance with the requirements of this  
150 subparagraph. Notwithstanding any law to the contrary, any

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

174         6. A culinary education program as defined in s.  
175 381.0072(2) which is licensed as a public food service

176 establishment by the Division of Hotels and Restaurants.

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

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

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

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

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