Senator Bradley moved the following:

**Senate Amendment to House Amendment (853337) (with title amendment)**

Delete lines 7 - 272 and insert:

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
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 food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event, licensed by the Division of Hotels and Restaurants under chapter 509. This subparagraph does not apply to a culinary education program, as defined in s. 381.0072(2), which is licensed as a public food service establishment by the Division of Hotels and Restaurants and provides catering services. Notwithstanding any law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or
served at a catered event. Any alcoholic beverages purchased by
a licensee under this subparagraph for a catered event that are
not used at that event must remain with the customer; provided
that if the vendor accepts unopened alcoholic beverages, the
licensee may return such alcoholic beverages to the vendor for a
credit or reimbursement. Regardless of the county or counties in
which the licensee operates, a licensee under this subparagraph
shall pay the annual state license tax set forth in s.
565.02(1)(b). A licensee under this subparagraph must maintain
for a period of 3 years all records and receipts for each
catered event, including all contracts, customers’ names, event
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. Nothing in 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. 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 pursuant to 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-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. Nothing in this subparagraph shall 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 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. Section 564.09, Florida Statutes, is amended to read:

564.09 Restaurants; off-premises consumption of wine.—Notwithstanding any other provision of law, a restaurant licensed to sell wine on the premises may permit a patron to remove one unsealed bottle of wine for consumption off the premises if the patron has purchased a full course meal consisting of a salad or vegetable, entree, a beverage, and bread and consumed a portion of the bottle of wine with such meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is 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 bottle of wine and full course meal shall be provided by the licensee and attached to the container. If transported in a
motor vehicle, the container with the resealed bottle of wine
must be placed in a locked glove compartment, a locked trunk, or
the area behind the last upright seat of a motor vehicle that is
not equipped with a trunk.

Section 3. Subsection (1) of section 565.045, Florida
Statutes, is amended to read:

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

(1) Vendors licensed under s. 565.02(1)(b)-(f):
   (a) Shall provide seats for the use of their customers;
   (b) Such vendors may sell or deliver alcoholic beverages
by the drink or in sealed containers for consumption on or off
the premises where sold; and
   (c) May sell or deliver alcoholic beverages prepared by the
licensee for off-premises consumption if the alcoholic beverage
is in a container sealed by the licensee. All sales or
deliveries of alcoholic beverages made pursuant to this
paragraph must satisfy the following requirements:
   1. The vendor must be licensed as a public food service
      establishment under chapter 509;
   2. The sale or delivery must be accompanied by the sale of
      food within the same order;
   3. The charge for the sale of food and nonalcoholic
      beverages must be at least 40 percent of the total charge for
      the order, excluding the charge for any manufacturer-sealed
      containers of alcoholic beverages included in the order; and
   4. Sales and deliveries of the alcoholic beverages may not
      occur after the vendor ceases preparing food on the licensed
      premises for the day or after midnight, whichever is earlier.
The requirement in subparagraph 3. does not apply to vendors licensed under s. 561.20(2)(a)4.

(d) An alcoholic beverage drink prepared by the vendor and sold or delivered for consumption off the premises under paragraph (c) 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 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.

(e) Any delivery of an alcoholic beverage under this section must comply with s. 561.57. 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.

Section 4. Subsection (9) of section 316.1936, Florida Statutes, is amended to read:
Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(9) An alcoholic beverage that has been sealed by a licensee or the employee of a licensee and is transported pursuant to s. 564.09, s. 561.20(2)(a)4., or s. 565.045(1) A bottle of wine that has been resealed and is transported pursuant to s. 564.09 is not an open container under the provisions of this section.

And the title is amended as follows:

Delete lines 277 - 298

and insert:

circumstances; providing requirements for such deliveries; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the delivery; amending s. 564.09, F.S.; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; amending s. 565.045, F.S.; revising requirements for the sale of alcoholic beverages by certain vendors; authorizing certain vendors to deliver specified alcoholic beverages under certain circumstances; providing requirements for such deliveries; prohibiting any person under the age of 21 from delivering alcoholic beverages on behalf of a vendor; requiring a vendor or the agent or employee of the vendor to verify the age of the person making the
delivery; amending s. 316.1936, F.S.; specifying that certain alcoholic beverages are not open containers for the purposes of the prohibition on possessing open containers of alcoholic beverages in vehicles; providing an effective date.