Representative Tomkow offered the following:

Amendment (with title amendment)

Remove lines 73-287 and insert:

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 and packaged in a container sealed by the licensee. A licensee under this subparagraph may not 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. 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 shall 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 shall 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-

  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 does not 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 prior to the effective
date of this act, if construction of such restaurant has
commenced before prior to 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.—

(1) 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.

(2) Notwithstanding any other provision of law, a restaurant licensed to sell wine for consumption on the premises may sell or deliver a manufacturer-sealed bottle of wine, or an individual serving of wine or wine-based beverage prepared by the licensee, for off-premises consumption if the wine is delivered in a container sealed by the licensee and the sale or delivery is accompanied by the purchase of a meal within the same order. Any delivery made under this subsection 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 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 manufacturer-sealed sealed containers for
consumption on or off the premises where sold; and
(c) May sell or deliver an individual serving of liquor or
a liquor-based beverage prepared by the licensee for off-
premises consumption if the liquor or liquor-based beverage is
in a container sealed by the licensee.

All sales or deliveries of alcoholic beverages made under
paragraph (c) for off-premises consumption must be accompanied
by the sale of food within the same order, where the sale of
food and nonalcoholic beverages shall account for at least 25
percent of the total charge for the order.
(d) 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. For the purpose of incorporating the amendment made by this act to section 564.09, Florida Statutes, in a reference thereto, subsection (9) of section 316.1936, Florida Statutes, is reenacted and amended to read:

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

(9) 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.

Section 5. For the purpose of incorporating the amendment made by this act to section 564.09, Florida Statutes, in a reference thereto, section 564.05, Florida Statutes, is reenacted to read:

564.05 Limitation of size of individual wine containers; penalty.—It is unlawful for a person to sell within this state wine in an individual container holding more than 1 gallon of
such wine, unless such wine is in a reusable container holding 5.16 gallons. However, qualified distributors and manufacturers may sell wine to other qualified distributors or manufacturers in any size container. Except as provided in s. 564.09, wine sold or offered for sale by a licensed vendor to be consumed off the premises shall be in the unopened original container. A person convicted of a violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

----------------------------------------

**TITLE AMENDMENT**

Remove lines 6-18 and insert:

circumstances; 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; authorizing certain restaurants to sell or deliver wine in specified packages under certain circumstances; prohibiting any person under the age of 21 to deliver 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. 565.045, F.S.; revising requirements for the sale of alcoholic beverages by certain vendors; authorizing
certain vendors to deliver specified alcoholic beverages and 
liquor under certain circumstances; prohibiting any person under 
the age of 21 to deliver 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; 
reenacting ss. 316.1936(9) and 564.05, F.S., relating to the 
possession of open containers of alcoholic beverages in vehicles 
and the limitation of size of individual wine containers, 
respectively, to incorporate the amendments made to s. 564.09, 
F.S., in references thereto; providing an effective date.