

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Esposito offered the following:

**Amendment**

Remove lines 56-271 and insert:

4. A bona fide food service establishment that has a minimum of 2,000 ~~2,500~~ square feet of service area, is equipped to serve meals to 120 ~~150~~ persons at one time, has at least 120 physical seats available for patrons to use during operating 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

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14 audit percentage established by the most recent audit and  
15 conducted on a staggered scale as follows: level 1, 51 percent  
16 to 60 percent, every year; level 2, 61 percent to 75 percent,  
17 every 2 years; level 3, 76 percent to 90 percent, every 3 years;  
18 and level 4, 91 percent to 100 percent, every 4 years. A  
19 licensee under this subparagraph may sell or deliver alcoholic  
20 beverages in a sealed container for off-premises consumption if  
21 the sale or delivery is accompanied by the sale of food within  
22 the same order. Such authorized sale or delivery includes wine-  
23 based and liquor-based beverages prepared by the licensee or its  
24 employee and packaged in a container sealed by the licensee or  
25 its employee. This subparagraph may not be construed to  
26 authorize public food service establishments licensed under this  
27 subparagraph to sell a bottle of distilled spirits sealed by a  
28 manufacturer. Any sale or delivery of malt beverages must comply  
29 with the container size, labeling, and filling requirements  
30 imposed under s. 563.06. Any delivery of an alcoholic beverage  
31 under this subparagraph must comply with s. 561.57. An alcoholic  
32 beverage drink prepared by the vendor and sold or delivered for  
33 consumption off the premises must be placed in a container  
34 securely sealed by the licensee or its employees with an  
35 unbroken seal that prevents the beverage from being immediately  
36 consumed before removal from the premises. Such alcoholic  
37 beverage also must be placed in a bag or other container that is  
38 secured in such a manner that it is visibly apparent if the

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39 container has been subsequently opened or tampered with, and a  
40 dated receipt for the alcoholic beverage and food must be  
41 provided by the licensee and attached to the bag or container.  
42 If transported in a motor vehicle, an alcoholic beverage that is  
43 not in a container sealed by the manufacturer must be placed in  
44 a locked compartment, a locked trunk, or the area behind the  
45 last upright seat of a motor vehicle. It is a violation of the  
46 prohibition in s. 562.11 to allow any person under the age of 21  
47 to deliver alcoholic beverages on behalf of a vendor. The vendor  
48 or the agent or employee of the vendor must verify the age of  
49 the person making the delivery of the alcoholic beverage before  
50 allowing any person to take possession of an alcoholic beverage  
51 for the purpose of making a delivery on behalf of a vendor under  
52 this section. A food service establishment granted a special  
53 license on or after January 1, 1958, pursuant to general or  
54 special law may not operate as a package store and may not sell  
55 intoxicating beverages under such license after the hours of  
56 serving or consumption of food have elapsed. Failure by a  
57 licensee to meet the required percentage of food and  
58 nonalcoholic beverage gross revenues during the covered  
59 operating period shall result in revocation of the license or  
60 denial of the pending license application. A licensee whose  
61 license is revoked or an applicant whose pending application is  
62 denied, or any person required to qualify on the special license  
63 application, is ineligible to have any interest in a subsequent

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64 application for such a license for a period of 120 days after  
65 the date of the final denial or revocation;

66 5. Any caterer, deriving at least 51 percent of its gross  
67 food and beverage revenue from the sale of food and nonalcoholic  
68 beverages at each catered event, licensed by the Division of  
69 Hotels and Restaurants under chapter 509. This subparagraph does  
70 not apply to a culinary education program, as defined in s.  
71 381.0072(2), which is licensed as a public food service  
72 establishment by the Division of Hotels and Restaurants and  
73 provides catering services. Notwithstanding any law to the  
74 contrary, a licensee under this subparagraph shall sell or serve  
75 alcoholic beverages only for consumption on the premises of a  
76 catered event at which the licensee is also providing prepared  
77 food, and shall prominently display its license at any catered  
78 event at which the caterer is selling or serving alcoholic  
79 beverages. A licensee under this subparagraph shall purchase all  
80 alcoholic beverages it sells or serves at a catered event from a  
81 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
82 under s. 565.02(1) subject to the limitation imposed in  
83 subsection (1), as appropriate. A licensee under this  
84 subparagraph may not store any alcoholic beverages to be sold or  
85 served at a catered event. Any alcoholic beverages purchased by  
86 a licensee under this subparagraph for a catered event that are  
87 not used at that event must remain with the customer; provided  
88 that if the vendor accepts unopened alcoholic beverages, the

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89 | licensee may return such alcoholic beverages to the vendor for a  
90 | credit or reimbursement. Regardless of the county or counties in  
91 | which the licensee operates, a licensee under this subparagraph  
92 | shall pay the annual state license tax set forth in s.  
93 | 565.02(1) (b). A licensee under this subparagraph must maintain  
94 | for a period of 3 years all records and receipts for each  
95 | catered event, including all contracts, customers' names, event  
96 | locations, event dates, food purchases and sales, alcoholic  
97 | beverage purchases and sales, nonalcoholic beverage purchases  
98 | and sales, and any other records required by the department by  
99 | rule to demonstrate compliance with the requirements of this  
100 | subparagraph. Notwithstanding any law to the contrary, any  
101 | vendor licensed under s. 565.02(1) subject to the limitation  
102 | imposed in subsection (1), may, without any additional licensure  
103 | under this subparagraph, serve or sell alcoholic beverages for  
104 | consumption on the premises of a catered event at which prepared  
105 | food is provided by a caterer licensed under chapter 509. If a  
106 | licensee under this subparagraph also possesses any other  
107 | license under the Beverage Law, the license issued under this  
108 | subparagraph may not authorize the holder to conduct activities  
109 | on the premises to which the other license or licenses apply  
110 | that would otherwise be prohibited by the terms of that license  
111 | or the Beverage Law. This section does not permit the licensee  
112 | to conduct activities that are otherwise prohibited by the  
113 | Beverage Law or local law. The Division of Alcoholic Beverages

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114 and Tobacco is hereby authorized to adopt rules to administer  
115 the license created in this subparagraph, to include rules  
116 governing licensure, recordkeeping, and enforcement. The first  
117 \$300,000 in fees collected by the division each fiscal year  
118 pursuant to this subparagraph shall be deposited in the  
119 Department of Children and Families' Operations and Maintenance  
120 Trust Fund to be used only for alcohol and drug abuse education,  
121 treatment, and prevention programs. The remainder of the fees  
122 collected shall be deposited into the Hotel and Restaurant Trust  
123 Fund created pursuant to s. 509.072; or

124 6. A culinary education program as defined in s.  
125 381.0072(2) which is licensed as a public food service  
126 establishment by the Division of Hotels and Restaurants.

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

137 b. If the culinary education program provides catering  
138 services, this special license shall also allow the sale and

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

155 c. If a licensee under this subparagraph also possesses  
156 any other license under the Beverage Law, the license issued  
157 under this subparagraph does not authorize the holder to conduct  
158 activities on the premises to which the other license or  
159 licenses apply that would otherwise be prohibited by the terms  
160 of that license or the Beverage Law. This subparagraph does not  
161 permit the licensee to conduct activities that are otherwise  
162 prohibited by the Beverage Law or local law. Any culinary  
163 education program that holds a license to sell alcoholic

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164 beverages shall comply with the age requirements set forth in  
165 ss. 562.11(4), 562.111(2), and 562.13.

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

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

173  
174 However, any license heretofore issued to any such hotel, motel,  
175 motor court, or restaurant or hereafter issued to any such  
176 hotel, motel, or motor court, including a condominium  
177 accommodation, under the general law may not be moved to a new  
178 location, such license being valid only on the premises of such  
179 hotel, motel, motor court, or restaurant. Licenses issued to  
180 hotels, motels, motor courts, or restaurants under the general  
181 law and held by such hotels, motels, motor courts, or  
182 restaurants on May 24, 1947, shall be counted in the quota  
183 limitation contained in subsection (1). Any license issued for  
184 any hotel, motel, or motor court under this law shall be issued  
185 only to the owner of the hotel, motel, or motor court or, in the  
186 event the hotel, motel, or motor court is leased, to the lessee  
187 of the hotel, motel, or motor court; and the license shall  
188 remain in the name of the owner or lessee so long as the license

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189 is in existence. Any special license now in existence heretofore  
190 issued under this law cannot be renewed except in the name of  
191 the owner of the hotel, motel, motor court, or restaurant or, in  
192 the event the hotel, motel, motor court, or restaurant is  
193 leased, in the name of the lessee of the hotel, motel, motor  
194 court, or restaurant in which the license is located and must  
195 remain in the name of the owner or lessee so long as the license  
196 is in existence. Any license issued under this section shall be  
197 marked "Special," and nothing herein provided shall limit,  
198 restrict, or prevent the issuance of a special license for any  
199 restaurant or motel which shall hereafter meet the requirements  
200 of the law existing immediately before the effective date of  
201 this act, if construction of such restaurant has commenced  
202 before the effective date of this act and is completed within 30  
203 days thereafter, or if an application is on file for such  
204 special license at the time this act takes effect; and any such  
205 licenses issued under this proviso may be annually renewed as  
206 now provided by law. Nothing herein prevents an application for  
207 transfer of a license to a bona fide purchaser of any hotel,  
208 motel, motor court, or restaurant by the purchaser of such  
209 facility or the transfer of such license pursuant to law.

210 (7)

211 (d) Any corporation, partnership, or individual operating  
212 a club which owns or leases and which maintains any bona fide  
213 beach or cabana club consisting of beach facilities, swimming

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214 pool, locker rooms or bathroom ~~with~~ facilities for at least 100  
215 persons, and a public food service establishment as defined in  
216 s. 509.013(5)(a) ~~restaurant with seats at tables for at least~~  
217 ~~100 persons~~, comprising in all an area of at least 5,000 square  
218 feet located on a contiguous tract of land of in excess of 1  
219 acre may be issued a license under s. 565.02(4). The failure of  
220 such club to maintain the facilities shall be a ground for  
221 revocation of the license.

222 Section 2. This act shall take effect July 1, 2023.

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