

Board of County Commissioners Agenda Request

Date of Meeting: June 19, 2018

Date Submitted: June 1, 2018

To: Honorable Chairperson and Members of the Board

From: Dee Jackson, Interim County Administrator
David Weiss, County Attorney
Beth Kirkland, Executive Director, Gadsden County Development Council

Subject: **Public Hearing:** Adoption of Ordinance No. 2018-001, An Ordinance of the Board of County Commissioners of Gadsden County, Florida, amending Chapter 6 of the Gadsden County Code of Ordinances, regulating the sale and consumption of alcoholic beverages; providing for repeal, severability, inclusion in the Gadsden County Code of Ordinances, modifications that may arise from consideration at public hearing, and correction of scrivener's errors; and providing for an effective date

Statement of Issue:

This agenda item seeks Board approval of an ordinance amending Chapter 6 of the Gadsden County Code of Ordinances, regulating the sale and consumption of alcoholic beverages. At the April 17, 2018 BOCC Regular Meeting, this item was discussed and then tabled due to the Board desiring more information.

Background:

Section 125.01(1)(o), Florida Statutes, authorizes the Board to establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the County pursuant to general law. Section 562.45(2), Florida Statutes, states that nothing in the State Beverage Law shall be construed to affect or impair the authority of any county to enact ordinances regulating the hours of business and location of place of business of any licensee under the Beverage Law within the County.

By Ordinance Numbers 75-006, 76-001 and 76-003, currently codified at Chapter 6 of the Gadsden County Code of Ordinances (the "Ordinance"), the Board adopted regulations

regarding the location and hours of operation for licensees under the Beverage Law in Gadsden County.

The Ordinance currently includes outdated terms and duplication, and is unclear and inconsistent. Also, sit down restaurants that sell beer, wine and alcohol for consumption by the glass on premise are prohibited from locating within 1000 feet of a house of worship, a school or a public park. This policy is impeding potential economic development in Gadsden County.

Analysis:

The Gadsden County Development Council secured an analysis by RetailStrategies.com that shows leakages to the urban core of the Metropolitan Statistical Area (MSA) for sit down restaurants that serve alcohol. RetailStrategies.com is a full-service consulting firm that uses big data and established relationships with brand name retailers to develop and implement long-term retail real estate strategies for local governments and economic development agencies. Below is a graph showing the potential sales in Gadsden County for various meals and alcoholic drinks that could be served in sit down restaurants.

	Aggregate Potential Estimate	Average per Household	Market Index to USA
Meals & nonalcoholic beverages for immediate consumption	\$ 73,019,632	\$ 4,357	94
Lunch	\$ 22,918,641	\$ 1,367	95
Dinner	\$ 36,502,616	\$ 2,178	93
Snacks and nonalcoholic beverages	\$ 5,211,505	\$ 311	94
Breakfast and brunch	\$ 8,386,869	\$ 500	96
Alcoholic drinks served at the establishment	\$ 12,164,986	\$ 726	91

The next chart shows the current gap for alcoholic sales within Gadsden County by outlining the supply verses the demand for having alcoholic beverages in restaurants. Close to \$8 million dollars is being spent outside the county in other communities in alcohol sales alone.

	Consumer Demand	Market Supply	Opportunity Gap Surplus/ Shortage
Groceries & Other Food Items	\$ 124,447,206	\$ 31,235,791	\$ 93,211,415
Meals & Non-Alcoholic Beverages	\$ 63,148,922	\$ 31,166,573	\$ 31,982,349
Alcoholic Drinks	\$ 11,138,675	\$ 3,215,748	\$ 7,922,927
Packaged Liquor, Wine, & Beer	\$ 12,606,199	\$ 4,725,841	\$ 7,880,358

Three mobile data studies surrounding 3 restaurants in Leon County were conducted to show where consumers are originating in Gadsden County when they visit that specific restaurant. For example, the mobile data study for Wahoo Seafood Grille illustrates a fair amount of people are coming in from Midway, Quincy and Chattahoochee. A brand that is in expansion mode, Buffalo Wild Wings, has a sports theme and a business model in which

alcohol counts for 20%-35% of their total sales. As such, they look closely at local alcohol policies when evaluating markets. The third mobile model reflects travel patterns from Gadsden County to Hooters on N. Monroe in Tallahassee.

The City of Chattahoochee allows for sit down restaurants that derive 50% of revenue from food sales to qualify for a liquor license. The Town of Havana requires seating for a minimum of 25 patrons, 75% of revenue from food sales and at least 500 feet distance from house of worship, school or public park.

Attached is proposed Ordinance No. 2018-001 for the Board's consideration. If adopted by the Board, it will amend the Ordinance to decrease the distance of prohibited alcohol sales and consumption from houses of worship, schools and public parks to 500 feet. It will also exempt from the alcohol policy holders of valid licenses which permit:

1. the sale of beer or wine in sealed containers where no consumption on the premises is permitted and where the operation of the business is in a permanent location;
2. the sale of beer, wine, and liquor in connection with operation of a restaurant which has seating for a minimum of 25 patrons and derives at least 65% of gross revenue from the sale of food and non-alcoholic beverages, where the sale of alcohol is by the drink for consumption on the premises;
3. the sale of beer, wine, and liquor in connection with the operation of a culinary education program licensed as a food service establishment, where consumption is on the premises;
4. the sale or service of alcoholic beverages by any caterer licensed by the Division of Hotels and Restaurants and deriving at least 51% of its gross revenue from the service of food and non-alcoholic beverages, where consumption is on the premises;
5. the sale or service of alcoholic beverages by any holder of a valid license appropriate for a special event which is set for a time period of thirty-six (36) total cumulative hours or less.

The proposed amendments to the Ordinance also update terms, eliminate duplication, and provide clarity and consistency.

Fiscal Impact:

The proposed amendments to the Ordinance have the potential to create economic development and generate revenue for the County.

Options:

1. Approve and adopt the attached Ordinance No. 2018-001.
2. Propose changes to the attached Ordinance No. 2018-001, and adopt with changes.
3. Do not approve.
4. Board direction.

Interim County Administrator's Recommendation:

Option 1

Attachments:

1. Draft Ordinance No. 2018-001.
2. Notice of Intent.
3. Section 125.01, Florida Statutes.
4. Section 562.45, Florida Statutes.
5. Division of Alcoholic Beverages and Tobacco Licenses and Permits for Alcoholic Beverages.

ORDINANCE NO. 2018-~~001~~---

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING CHAPTER 6 OF THE GADSDEN COUNTY CODE OF ORDINANCES, REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gadsden County, Florida has all of the powers of self-government as provided by general or special law; and

WHEREAS, the Gadsden County Board of County Commissioners ("Board") may enact ordinances not inconsistent with general or special law; and

WHEREAS, Section 125.01(1)(o), Florida Statutes, authorizes the Board to establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the County pursuant to general law; and Section 562.45(2), Florida Statutes, states that nothing in the State Beverage Law shall be construed to affect or impair the authority of any county to enact ordinances regulating the hours of business and location of place of business of any licensee under the Beverage Law within the County; and

WHEREAS, by Ordinance Numbers 75-006, 76-001 and 76-003, currently codified at Chapter 6 of the Gadsden County Code of Ordinances (the "Ordinance"), the Board adopted regulations regarding the location and hours of operation for licensees under the Beverage Law in Gadsden County; and

WHEREAS, the Board has determined that the Ordinance should be amended to promote economic development by permitting alcohol sales and consumption in more locations and updating and clarifying the regulations regarding the location and hours of operation for licensees under the Beverage Law in Gadsden County; and

WHEREAS, the Board has determined that the amendments to the Ordinance will protect the public health, safety, and welfare of the citizens of Gadsden County and serve a proper public and county purpose; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, that:

Section 1. Incorporation of Recitals.

The foregoing recitals are hereby incorporated by reference into the body of this Ordinance, and are adopted as findings of fact.

Section 2. Authority and Purpose.

This Ordinance is adopted pursuant to the County's sovereign home rule authority and Section 125.01(1)(o), Florida Statutes, and as recognized by Section 562.45(2), Florida Statutes, for the purpose of updating and clarifying the regulations regarding the location and hours of operation for licensees under the Beverage Law in Gadsden County.

Section 3. Approval and Adoption of the Ordinance.

The amendments to the Ordinance as attached hereto as Exhibit A are hereby approved and adopted.

Section 4. Repealer.

All prior policies, resolutions and ordinances, or portions thereof, which are in conflict with the Ordinance as set forth in Exhibit A are hereby repealed and superseded to the extent of such conflict.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, phrase, or provision, and shall not be affected by such holding.

Section 6. Inclusion into the Code of Ordinances.

This Ordinance shall be codified in the Gadsden County Code of Ordinances as set forth in Exhibit A.

Section 7. Modification.

It is the intent of the Board that this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk.

Section 8. Scrivener's Errors.

The County Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section 9. Effective Date.

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten (10) days of adoption and this Ordinance shall be effective as provided by law.

DULY READ, PASSED AND ADOPTED by the Board of County Commissioners of Gadsden County, Florida after proper notice and public hearing, this 19th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA

BRENDA A. HOLT, Chairperson

ATTEST:

NICHOLAS THOMAS,
Clerk of the Circuit Court

APPROVED AS TO FORM FOR THE
RELIANCE OF GADSDEN COUNTY,
FLORIDA ONLY

DAVID J. WEISS, County Attorney

Exhibit A

Chapter 6 - ALCOHOLIC BEVERAGES

Sec. 6-1. - Location restrictions ~~for dealers.~~

- ~~(a) No license shall be granted to a vendor to sell, serve, or dispense alcoholic beverages, including wine and/or beer, by the state division of beverage, whose place of business for selling, serving, or dispensing alcoholic beverages, including wine and/or beer is or shall be within:~~
- ~~(1) One thousand feet of an established church which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest entrance of the church.~~
 - ~~(2) One thousand feet of a school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest point of the school grounds in use as part of the school facilities.~~
 - ~~(3) One thousand feet of a publicly owned and operated playground area, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of said place of business to the nearest point of the playground area in use as part of the facilities.~~
- ~~(ab) No licensee vendor licensed by the state division of beverage to shall~~ sell, serve or dispense alcoholic beverages, including wine and/or beer, shall conduct his place of business within, and such place of business is prohibited from being operated at any location which is within:
- (1) One thousandFive hundred feet of an established active church house of worship, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest entrance of the church house of worship.
 - (2) One thousandFive hundred feet of an active public or private K-12 school, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest point of the school grounds in use as part of the school facilities.
 - (3) One thousandFive hundred feet of a publicly government owned and operated playground area, which distance shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the nearest point of the playground area in use as part of the facilities.
- ~~(be) No certificate of use or occupancy, nor any building, plumbing, electrical or either~~ permit including, but not limited to, building, plumbing, electrical or health permits, shall be issued to any person, firm, association or corporation, conducting and/or operating a business for the sale of alcoholic beverages, including wine and/or beer, at a location prohibited pursuant to subsections (a) ~~and (b) of this section, unless expressly exempted pursuant to Section 6-2 of this Code.~~

Sec. 6-2. - Exempted vendors.

The following licensees ~~and vendors~~ are exempted from the provisions of section 6-1(a) ~~and (b)~~ to the extent and only to the extent as indicated in the following:

- (1) ~~Vendors holding~~Any holder of a valid license on October 15, 1975, for the sale of malt beverages (beer) ~~are is~~ exempt for the specific and limited purpose of, and to the extent and only to the extent of, permitting those vendors to continue to sell malt beverages (beer) at their present locations. The purpose of this exemption is to permit the future sale of malt beverages (beer) and only malt beverages (beer) in the same manner as such vendors were authorized by law to sell the same on October 15, 1975.
- (2) ~~Vendors of beer containing alcohol of not more than 14 percent by weight for consumption off the premises only; and~~ Any holder of a valid license classified by the Florida Division of Alcoholic Beverages and Tobacco as "1APS" or "2APS", which allows for the sale of beer or wine in sealed containers where no consumption on the premises is permitted and where the operation of the business is in a permanent location.
- (3) ~~Vendors of wines regardless of the alcoholic content for consumption off the premises only.~~ Any holder of a valid license classified by the Florida Division of Alcoholic Beverages and Tobacco as "SRX" and holds a 8COP, 7COP, 6COP, 5COP, or 4COP which allows for the sale of beer, wine, and liquor in connection with operation of a restaurant which has seating for a minimum of 25 patrons and derives at least 65% of gross revenue from the sale of food and non-alcoholic beverages, where the sale of alcohol is by the drink for consumption on the premises.
- (4) Any holder of a valid license held by a culinary education program which is classified by the Florida Division of Alcoholic Beverages and Tobacco as "CEP" which allows for the sale of beer, wine, and liquor in connection with the operation of a culinary education program licensed as a food service establishment, where consumption is on the premises.
- (5) Any holder of a valid license held by a caterer and is classified by the Florida Division of Alcoholic Beverages and Tobacco as "13CT" which allows for the sale or service of alcoholic beverages by any caterer licensed by the Division of Hotels and Restaurants and deriving at least 51% of its gross revenue from the service of food and non-alcoholic beverages, where consumption is on the premises.
- (6) Any holder of a valid license appropriate for a special event which is set for a time period of thirty-six (36) total cumulative hours or less.

Sec. 6-3. - Hours of sale.

- (a) ~~It shall be unlawful for any package sales of beer, to be made on the premises of any licensee operating under a valid license issued by the state division of beverage.~~ No licensee shall sell, serve or dispense alcoholic beverages for on premises consumption between the hours of 2:00 a.m. each Sunday and 7:00 a.m. on the following Monday, and between the hours of 2:00 a.m. and 7:00 a.m. on all other days.
- (b) ~~In addition to the hours of sale of alcoholic beverages, as provided in section 6-3(a), businesses and/or vendors authorized and/or licensed to sell alcoholic beverages may sell beer only for consumption off the premises between the hours of 7:00 a.m. each Sunday and 12:01 a.m. on the following Monday.~~ No licensee shall sell, serve or dispense alcoholic beverages for off premises consumption between the hours of 12:00 a.m. midnight and 7:00 a.m. each Monday, and between the hours of 2:00 a.m. and 7:00 a.m. on all other days.
- (c) ~~In addition to the hours of sale provided in section 6-3(a), businesses authorized and/or licensed to sell alcoholic beverages, may make package sales of beer on December 31 (New Year's Eve) in each year from 7:00 a.m. until 4:00 a.m. on the following day (such following day being~~ Notwithstanding the foregoing, licensees may sell, serve or dispense alcoholic beverages for on or off premises consumption between the hours of 7:00 a.m. on December 31 (New Year's Eve) and 4:00 a.m. on January 1 of each year that December 31 (New Year's Eve) does not fall on a Sunday; unless. In addition, if December 31 (New Year's Eve) shall fall on a Sunday, licensees may sell,

~~serve or dispense alcoholic beverages for on or off premises consumption between the hours of in which case the hours for package sales of beer shall be from~~ 3:00 p.m. on Sunday (December 31) until 4:00 a.m. on Monday (January 1).

Sec. 6-4. - Consumption in public places.

No person shall partake or consume any alcoholic beverages, including wine and/or beer, upon the public streets, roads, rights-of-way, and/or in or upon any lands or buildings owned by the county, wherever located.

Sec. 6-5. - Open containers.

No person shall possess an open container of any alcoholic beverage, nor consume any alcoholic beverage, including beer and wine, within 500 feet of a business selling alcoholic beverages or otherwise serving alcoholic beverages, for purposes of this section. Such distance shall be measured from the exterior walls on any such business or establishment.

NOTICE OF INTENT: PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all concerned that the Board of County Commissioners of Gadsden County, Florida, intends, at a regular meeting, at the Gadsden County Governmental Complex, 9-B East Jefferson Street, Quincy, Florida, at 6:00 p.m. on the 19th day of June, 2018, to consider adoption of an ordinance entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING CHAPTER 6 OF THE GADSDEN COUNTY CODE OF ORDINANCES, REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE GADSDEN COUNTY CODE OF ORDINANCES, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THIS MATTER, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MUST ASSURE THAT A VERBATIM RECORDING OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

The proposed ordinance is available for public inspection at the Office of the Clerk, Gadsden County Courthouse, 10 E. Jefferson St., Quincy, Florida, and on the County website at gadsdencountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons needing assistance in obtaining any information from the County on attending the public hearing must contact the Gadsden County Administrator's Office, 1B E. Jefferson Street, Quincy, Florida, (850) 875-8650, at least 48 hours prior to the hearing; if you are hearing or voice impaired, call 711.

Published one time
June 7, 2018
Gadsden County Times
Havana Herald
Twin City News

The Florida Senate

2017 Florida Statutes

<u>Title XI</u> COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	<u>Chapter 125</u> COUNTY GOVERNMENT <u>Entire Chapter</u>	SECTION 01 Powers and duties.
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125.01 Powers and duties.—

- (1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:
- (a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.
 - (b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.
 - (c) Provide and maintain county buildings.
 - (d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. [633.206](#) and [633.208](#), and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. [633.202](#).
 - (e) Provide hospitals, ambulance service, and health and welfare programs.
 - (f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.
 - (g) Prepare and enforce comprehensive plans for the development of the county.
 - (h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
 - (i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.
 - (j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.
 - (k)1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.
2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.
- (l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.
 - (m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. [125.011](#) (1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.

(p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit. Notwithstanding any other provision of law, a county may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. [193.461](#) unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$10,000. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this paragraph, the term "agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

(s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee and the production of official records.

(t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.

(u) Create civil service systems and boards.

(v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.

(w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

(x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. [97.021](#), associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

(z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.

(aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.

(bb) Enforce the Florida Building Code, as provided in s. [553.80](#), and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. [553.73](#)(4)(b) and (c).

(cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. [125.0104](#)(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. [125.0104](#).

(2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).

(3)(a) The enumeration of powers herein may not be deemed exclusive or restrictive, but is deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property. The authority to employ personnel includes, but is not limited to, the authority to determine benefits available to different types of personnel. Such benefits may include, but are not limited to, insurance coverage and paid leave. The provisions of chapter 121 govern the participation of county employees in the Florida Retirement System.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. [379.101](#), with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5)(a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges,

special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas of a county and that such special district may not be used to provide services in the unincorporated area only.

(6)(a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

History.—s. 1, ch. 1882, 1872; s. 1, ch. 3039, 1877; RS 578; GS 769; s. 1, ch. 6842, 1915; RGS 1475; CGL 2153; s. 1, ch. 59-436; s. 1, ch. 69-265; ss. 1, 2, 6, ch. 71-14; s. 2, ch. 73-208; s. 1, ch. 73-272; s. 1, ch. 74-150; ss. 1, 2, 4, ch. 74-191; s. 1, ch. 75-63; s. 1, ch. 77-33; s. 1, ch. 79-87; s. 1, ch. 80-407; s. 1, ch. 83-1; s. 17, ch. 83-271; s. 12, ch. 84-330; s. 2, ch. 87-92; s. 1, ch. 87-263; s. 9, ch. 87-363; s. 2, ch. 88-163; s. 18, ch. 88-286; s. 2, ch. 89-273; s. 1, ch. 90-175; s. 1, ch. 90-332; s. 1, ch. 91-238; s. 1, ch. 92-90; s. 1, ch. 93-207; s. 41, ch. 94-224; s. 31, ch. 94-237; s. 1, ch. 94-332; s. 1433, ch. 95-147; s. 1, ch. 95-323; s. 41, ch. 96-397; s. 42, ch. 97-13; s. 2, ch. 2000-141; s. 34, ch. 2001-186; s. 36, ch. 2001-266; s. 3, ch. 2001-372; s. 20, ch. 2002-281; s. 1, ch. 2003-78; ss. 27, 28, ch. 2003-415; s. 184, ch. 2008-247; s. 2, ch. 2011-143; s. 122, ch. 2013-183; s. 1, ch. 2014-7; s. 1, ch. 2016-89.

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The Florida Senate

2017 Florida Statutes

<u>Title XXXIV</u> ALCOHOLIC BEVERAGES AND TOBACCO	<u>Chapter 562</u> BEVERAGE LAW: ENFORCEMENT <u>Entire Chapter</u>	SECTION 45 Penalties for violating Beverage Law; local ordinances; prohibiting regulation of certain activities or business transactions; requiring nondiscriminatory treatment; providing exceptions.
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562.45 Penalties for violating Beverage Law; local ordinances; prohibiting regulation of certain activities or business transactions; requiring nondiscriminatory treatment; providing exceptions. —

(1) Any person willfully and knowingly making any false entries in any records required under the Beverage Law or willfully violating any of the provisions of the Beverage Law, concerning the excise tax herein provided for shall be guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). It is unlawful for any person to violate any provision of the Beverage Law, and any person who violates any provision of the Beverage Law for which no penalty has been provided shall be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#); provided, that any person who shall have been convicted of a violation of any provision of the Beverage Law and shall thereafter be convicted of a further violation of the Beverage Law, shall, upon conviction of said further offense, be guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(2)(a) Nothing contained in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the hours of business and location of place of business, and prescribing sanitary regulations therefor, of any licensee under the Beverage Law within the county or corporate limits of such municipality. However, except for premises licensed on or before July 1, 1999, and except for locations that are licensed as restaurants, which derive at least 51 percent of their gross revenues from the sale of food and nonalcoholic beverages, pursuant to chapter 509, a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided in s. [125.66](#)(4), for counties, and s. [166.041](#)(3)(c), for municipalities. This restriction shall not, however, be construed to prohibit the issuance of temporary permits to certain nonprofit organizations as provided for in s. [561.422](#). The division may not issue a change in the series of a license or approve a change of a licensee's location unless the licensee provides documentation of proper zoning from the appropriate county or municipal zoning authorities.

(b) Nothing in the Beverage Law shall be construed to affect or impair the power or right of any county or incorporated municipality of the state to enact ordinances regulating the type of entertainment and conduct permitted in any establishment licensed under the Beverage Law to sell alcoholic beverages for consumption on the premises, or any bottle club licensed under s. [561.14](#), which is located within such county or municipality.

(c) A county or municipality may not enact any ordinance that regulates or prohibits those activities or business transactions of a licensee regulated by the Division of Alcoholic Beverages and Tobacco under the Beverage Law. Except as otherwise provided in the Beverage Law, a local government, when enacting ordinances designed to promote and protect the general health, safety, and welfare of the public, shall treat a licensee in a nondiscriminatory manner and in a manner that is consistent with the manner of treatment of any other lawful business transacted in this state. Nothing in this section shall be construed to affect or impair the enactment or enforcement by a county or municipality of any zoning, land development or comprehensive plan regulation or other ordinance authorized under ss. 1, 2, and 5, Art. VIII of the State Constitution.

History.—s. 15, ch. 16774, 1935; s. 3, ch. 19301, 1939; CGL 1940 Supp. 4151(240), 7648(6); s. 4, ch. 29964, 1955; s. 1, ch. 57-327; s. 573, ch. 71-136; s. 2, ch. 72-230; s. 1, ch. 87-365; s. 24, ch. 91-60; s. 4, ch. 97-165; s. 2, ch. 99-156; s. 128, ch. 2014-17.

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DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSES AND PERMITS FOR ALCOHOLIC BEVERAGES

VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
PACKAGE SALES – OFF PREMISES ONLY			
1APS (\$28,\$56,\$84,\$112,\$140) (depending on county population)	APS	563.02	Beer for sale in sealed containers and for consumption off premises only.
	D – DRY	568.01	Restricted to products with no more than 6.243% of alcohol by volume or 5% by weight. Only applicable to Florida's dry counties Lafayette, Liberty and Washington.
2APS (\$84,\$112,\$140,\$168,\$196) (depending on county population)	APS	564.02	Beer and Wine for sale in sealed containers and for consumption off premises only.
	D – DRY	568.01	Restricted to products with no more than 6.243% of alcohol by volume or 5% by weight. Only applicable to Florida's dry counties Lafayette, Liberty and Washington.
CONSUMPTION ON PREMISES			
1COP (\$56,\$112,\$168,\$224,\$280) (depending on county population)	COP	563.02	Beer for sale by the drink (consumption on premises) or in sealed containers for package sales.
	D – DRY	568.01	Restricted to products with no more than 6.243% alcohol by volume or 5% by weight. Only applicable to Florida's dry counties Lafayette, Liberty and Washington.
2COP (\$168,\$224,\$280,\$336,\$392) (depending on county population)	COP	564.02	Beer and Wine for sale by the drink (consumption on premises) or in sealed containers for package sales.
	D – DRY	568.01	Restricted to products with no more than 6.243% alcohol by volume or 5% by weight. Only applicable to Florida's dry counties Lafayette, Liberty and Washington.

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSES AND PERMITS FOR ALCOHOLIC BEVERAGES

VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
QUOTA BEVERAGE LICENSES			
3DPS / 3CPS / 3BPS / 3APS / 3PS (\$468,\$643.50,\$975,\$1170,\$1365) (depending on county population)	QUOTA	561.19 561.20(6) 565.02(1)(a)	Beer, Wine, and Liquor; package sales only in sealed containers. No sales by the drink or consumption on premises.
8COP / 7COP / 6COP / 5COP / 4COP (\$624,\$858,\$1300,\$1560,\$1820) (depending on county population)	QUOTA	561.19 561.20(6) 565.02(1)(b-f)	Beer, Wine, and Liquor; sale by the drink for consumption on premises and package sales in sealed containers.
SPECIALTY LICENSES – RESTAURANTS AND CATERERS			
Special Restaurant (pre-1958) 8COP / 7COP / 6COP / 5COP / 4COP (\$624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SR	561.20	Beer, Wine, and Liquor in connection with operation of a restaurant; sale by the drink for consumption on premises and package sales in sealed containers. Must have 4,000 square feet of floor space and be able to seat 200 patrons at tables. Sale of alcoholic beverages prohibited after the hours of serving or consumption of food have elapsed. License cannot move to a new location.
Special Restaurant 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SRX	561.20(2)	Beer, Wine, and Liquor in connection with a restaurant; consumption on premises only. May only have spirituous beverages (liquor) in quarts, fifths or miniatures. Must meet certain requirements as to the number of seats, square footage, etc. Sale of alcoholic beverage prohibited after the hours of serving or consumption of food have elapsed. License cannot be moved to a new location.
Culinary Education Program (\$1820)	CEP	561.20(2)(a)6	Beer, Wine, and Liquor in connection with operation of a culinary education program licensed as a food service establishment; consumption on the licensed premises only. May also provide catering services and allow consumption of alcoholic beverages on the premises of their catered event

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Caterer (\$1820)	13CT	561.20(2)(a)5	Permits any caterer licensed by the Division of Hotels and Restaurants under chapter 509 and deriving at least 51% of its gross revenue from the service of food and non-alcoholic beverages to sell or serve alcoholic beverages for consumption on the premises of any catered event at which the licensee is also providing prepared food. All alcoholic beverages must be purchased from a licensed vendor.
SPECIALTY LICENSES – MOTELS/HOTELS			
Special Motel/Hotel 8COP / 7COP / 6COP / 5COP / 4COP (\$624,\$858,\$1300,\$1560,\$1820) (depending on county population)	S	561.20(2)(a)1	Beer, Wine, and Liquor. Issued to a hotel, motel, or motor court of 80 rooms or more in a county fewer than 50,000 residents or of 100 rooms or more in a county of greater than 50,000 residents. Sales authorized by the drink for consumption on premises and by package sales in sealed containers. License may not be moved to a new location.
Special Motel/Hotel – Historic Motel/Hotel 8COP / 7COP / 6COP / 5COP / 4COP (\$624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SH	561.20(2)(a)1	Beer, Wine, and Liquor. Issued to a hotel or motel located in a historic structure of fewer than 100 guest rooms. Historic hotel or motel must be licensed as a public lodging establishment and derive at least 51% of gross revenue from the rental of rooms. Sales authorized by the drink for consumption on premises and by package sales in sealed containers. License may not be moved to a new location.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Special Motel/Hotel – Historic Motel/Hotel in Qualifying Municipalities 4COP (\$1820)	SHQM	561.20(2)(a)1	<p>Beer, Wine, and Liquor. Sales by the drink for consumption on premises only. Package sales not permitted. Issued to a hotel or motel located in a historic structure of at least 10 and no more than 25 guest rooms in municipalities having a population between 25,000 and 35,000 residents according to the 1998 UF Bureau of Economic and Business Research Estimates of Population (see qualifying municipalities below). Hotel or motel must derive at least 60% of gross revenue from the rental of rooms and sales of food and non-alcoholic beverages. License may not be moved to a new location.</p> <p>Qualifying municipalities include: Cooper City; Hallandale; Homestead; Jupiter; Lake Worth; Lauderdale Lakes; North Lauderdale; Oakland Park; Ormond Beach; Palm Beach Gardens; Plant City; Riviera Beach; Wellington; Winter Haven; Winter Springs.</p>
OTHER SPECIALTY LICENSES – HOSPITALS, BOWLING, BOATS, AIRPORTS, CIVIC CENTERS, AND OTHER SPECIAL LICENSES			
Special Hospital 4COP Only (\$1820)	H	Ch. 61-2855, Laws of Florida	Beer, Wine, and Liquor, sales to patients only. Sarasota County Public Hospital Board only. No annual fee. See special act for requirements.
Special Horse Breeders 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	HBX	561.20(10)	Beer, Wine, and Liquor, consumption on premises only. Issued to any marketing association of horse breeders organized under the laws of the state. Additional requirements to be met.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Special Bowling Alley 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SBX	561.20(2)(c))	Beer, Wine, and Liquor; consumption on premises by the drink only. Must meet requirements of 12 or more lanes and all necessary equipment to operate them. License cannot be moved to a new location.
Special Boats 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SPX	565.02(3)(a)2	Beer, Wine, and Liquor, consumption on premises only. Issued to an operator of a pleasure, excursion, sightseeing, or charter boat which has a Coast Guard-approved certification to carry passengers for hire. Must not exceed regular round-trip runs of more than 100 miles in each direction, and may not ply or anchor upon the waters of any lake. May only sell and serve alcoholic beverages while the boat is on a scheduled or chartered cruise.
Special Boats 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SPXE	565.02(3)(a)2	Beer, Wine, and Liquor, consumption on premises only. Issued to an operator of a pleasure, excursion, sightseeing, or charter boat which has a Coast Guard-approved capacity of at least 125 passengers. Must not exceed regular round-trip runs of more than 100 miles in each direction, and may not ply or anchor upon the waters of any lake. May sell and serve alcoholic beverages to passengers during a scheduled or chartered cruise and for a period of no longer than one hour prior to departure from the docking facility or marina.
Special Airport 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SAL	561.20(2)(f)	Beer, Wine, and Liquor for consumption on premises only at publicly owned or operated airport. Limited to no more than four point of sale locations at airport.
Special Civic Center 8COP / 7COP / 6COP / 5COP / 4COP (\$250)	SCX	561.20(2)(h)	Beer, Wine, and Liquor for consumption on premises only; license issued to Civic Center authority authorized by state law or local government ordinance.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Special County Commissioner 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SCC	561.20(2)(d)	Beer, Wine, and Liquor for consumption on premises only; license issued to county commissioners for facilities which are owned and operated by the county.
Special Act 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SA	Special Act	Beer, Wine, and Liquor for consumption on the premises only. See Special Acts for specifics.
Special Act 8COP / 7COP / 6COP / 5COP / 4COP (624,\$858,\$1300,\$1560,\$1820) (depending on county population)	SAX	Special Act	Beer, Wine, and Liquor for consumption on the premises only. May not move from the original location. See Special Acts for specific requirements.
COMMON CARRIERS – RAILROADS, STEAMSHIPS, BUSES, AIRPLANES, CRUISE SHIPS, AND AIRPORT LOUNGES			
Railroads Master - \$2,500 + \$10 for each dining, club, parlor, buffet or observations car	IX	565.02(2)	Beer, Wine, and Liquor. Consumption in designated cars. No package sales. Additional requirements to be met.
Railroads Railroad Transit Station Vendor - \$2,500	IX	565.02(2)	Beer, Wine, and Liquor. Consumption in the licensed premises of a railroad transit station. No package sales. May not transfer to locations beyond the railroad transit station. Additional requirements to be met
Steamships/Buses/Airplanes Master - \$1,100 + \$25 for each steamship, bus or airplane	X	565.02(3)	Beer, Wine, and Liquor. Consumption on premises only. Must be engaged in Interstate or foreign commerce or plying between fixed terminals and upon fixed schedules. Additional requirements to be met.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Airport Waiting Lounges (\$1,100) per lounge	XL	565.02(3)(a)(2)	Beer, Wine, and Liquor. Licenses are issued to airlines operating no more than one (1) passenger waiting lounge at each of its terminals at airports for ticketed passengers whose flights are scheduled to depart within 24 hours of service and guests in the company of ticket holder. For consumption on the premises only.
Cruise Ships (\$1,100)	PVP	565.02(9)	Beer, Wine, and Liquor. Passenger vessels engaged exclusively in foreign commerce with cabin berth capacity for at least 75 passengers. Consumption on board only.
PERFORMING ARTS FACILITIES AND PUBLIC FAIRS/EXPOSITIONS			
Performing Arts Center (\$400)	11PA-C	561.01(17) 561.20(2)(j)	Beer, Wine, and Liquor. Consumption on premises only. Issued to a facility consisting of not less than 200 seats which is owned and operated by a not-for-profit corporation qualified under the provisions of s. 501(c)(3) of the Internal Revenue Code. The facility must be used and occupied to promote development of any or all of the performing, visual, or fine arts. Sales and service of alcoholic beverages may occur only in conjunction with an artistic, educational, cultural, promotional, civic, or charitable event, except as part of food and beverage service for banquets or receptions.
Symphony Orchestra (\$400)	11PA-O	565.02(8)	Beer, Wine, and Liquor. Consumption on premises only. Issued to a state-chartered legal entity not for profit for the purpose of supporting the affairs of a symphony orchestra.
Live Performance Theater (\$400)	11PA-LT	565.02(10)	Beer, Wine, and Liquor. Consumption on premises only. Issued to a state-chartered legal entity not-for-profit organized for the purpose of operating a theater with live performances and not fewer than 100 seats.
Special Public Fair / Expositions (\$250)	FEX	561.20(2)(g)	Beer, Wine, and Liquor. Consumption on premises only. License may be used only in connection with special events held on the premises of the fairground.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
CLUB LICENSES – LODGES, FRATERNAL GROUPS, TENNIS/GOLF/BEACH CLUBS, AND OTHER CLUBS			
CLUBS (All \$400.00)	11C	561.20(7) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for consumption on premises by the drink for members and members' guests only. No package sales allowed. Unless otherwise noted, must be in continuous active existence and operation for a period of two years in the county where it exists.
Lodges or Clubs of National and Fraternal or Benevolent Associations	11C	561.20(7)(a)(1) 565.02(4)	Beer, Wine, and Liquor. Special requirements must be met. Consumption on premises only. May not increase in series to an 11CS. Need not be in continuous active existence for two years in the county location.
Social Clubs, Clubs devoted to community and governmental development	11C	561.20(7)(a)(3) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.
Clubs promoting showmen and amusement enterprises.	11C	561.20(7)(a)4 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.
Clubs assisting national fraternal or benevolent associations.	11C	561.20(7)(a)5 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.
Clubs promoting cultural relations of people of the same nationality	11C	561.20(7)(a)6 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Must be in continuous active existence and operation for a period of not less than two years in the county where it exists.

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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Tennis or Racquetball Club	11C	561.20(7)(c) 565.02(4)	Beer, Wine, and Liquor. Issued to bona fide clubs for sale by the drink for consumption on premises only, for members and members' guests. No package sales allowed. Bona fide tennis club or four-walled indoor racquetball club having no fewer than 10 regulation-size tennis courts; or no fewer than 10 regulation-size four-wall indoor racquetball courts; or a combination of regulation-size tennis courts and regulation-size four-wall indoor racquetball courts totaling in the aggregate not fewer than 10 courts; or a combination of 8 regulation-size tennis courts and regulation-size four-wall indoor racquetball courts and exercise facilities which in square footage total not fewer than the aggregate square foot equivalent of 10 regulation-size courts. Must have clubhouse facilities, pro shop, locker rooms, and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by the club.
Cabana or Beach Club	11C	561.20(7)(d) 565.02(4)	Beer, Wine, and Liquor. Must own or lease and maintain a bona fide beach or cabana club consisting of beach facilities, swimming pool, locker rooms with facilities for at least 100 persons, and a restaurant with seats at tables for at least 100 persons, comprising in all an area of at least 5,000 square feet located on a contiguous tract of land of in excess of 1 acre.
Golf Club	11CG	565.02(4)	Beer, Wine, and Liquor. Standard Golf Course consisting of at least 9 holes, clubhouse, locker rooms and attendant golf facilities, comprising at least 35 acres. Sales may be made to members and nonresident guests only. Consumption on the premises only.
Municipally-Owned Golf Club	11CG-PC	561.20(7)(b) 565.02(4)	Issued only to a golf club operated by on behalf of any incorporated municipality in this state for the sale of Beer, Wine, and Liquor. Standard Golf Course open to the general public consisting of at least 9 holes, clubhouse, locker rooms and attendant golf facilities, comprising at least 35 acres. Sales may be made for consumption on the premises only.
SPECIAL LOCATION LICENSES – LIMITED TO SPECIFIC LOCATIONS OR FACILITIES AS AUTHORIZED BY STATUTE			

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Sacramental Wine Permit (No Fee)	SWP	564.03(2)	Any religious order, monastery, church or religious body, or any minister, pastor, priest or rabbi may obtain a permit to purchase Wine from a distributor or retailer for sacramental purposes.
Bottle Club (\$500)	14BC	561.01(15)	Commercial establishment operated for a profit wherein patrons consume alcoholic beverages which are brought onto the premises and not sold by the establishment.
Race Track Caterer at Dog and Horse Tracks (\$675)	12RT	565.02(5) 550.6315 551.119	Beer, Wine, and Liquor for consumption on premises by the drink only. Package sales not allowed. May only have spirituous beverages (liquor) in quarts, fifths, or miniatures. Alcoholic beverage sales allowed only 10 days before to 10 days after approved racing or Jai Alai dates. If the caterer is also licensed under 551.119, the facility may serve alcohol any day it is open for slot machine play.
Club (Hillsborough County) (\$1750)	11CS	Ch.63-1412 Laws of Florida	Beer, Wine, and Liquor; Special club license issued in Hillsborough County; cannot be moved to a new location; not transferable; consumption on premises only.
Club (American Legion Post) (\$500)	11AL	561.20(11)	Beer, Wine, and Liquor. Issued to American Legion Post in Florida chartered prior to September 16, 1919. Sales may be made to resident guests as well as members and nonresident guests for consumption on the premises only. Revenue generated from the sale of alcoholic beverages which exceeds the cost of operation must be donated to a local non-profit charitable organization on an annual basis.
Club (John & Mable Ringling Mus. of Art) (\$400)	11CT	565.02(11)	Beer, Wine, and Liquor. Issued to the Board of Trustees of the John & Mable Ringling Museum of Art or the board's designee. Permits sales for consumption on premises of the museum in conjunction with artistic, educational, cultural, civic or charitable events.
LIMITED PERMITS – 1/2/3 DAY PERMITS, TEMPORARY PREMISES EXTENSIONS, AND OTHER TEMPORARY PERMITS			

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
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VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
One, Two or Three-Day Permit Non-Profit Civic Organizations (\$25)	ODP	561.422	Beer, Wines, and Liquor A bona fide non-profit civic organization, charitable organization, municipality, or county may apply for sale of alcoholic beverages on premises for a period not to exceed 3 days; no more than 12 permits per calendar year.
One, Two or Three-Day Permit Non-Profit Civic Organizations (\$25)	SODP	Special Acts	Beer, Wines, and Liquor. A bona fide non-profit civic organization may apply for sale of alcoholic beverages on premises for a period not to exceed 3 days; no more than 15 permits per calendar year. See special acts for specifics.
Temporary Extension of Premises (\$100)	TXP	561.01(11)	Limited permit issued for the expansion of the license premises to include a sidewalk or other outside area for special event.
Temporary Convention Permit (No Fee)	TCP	561.421	A permit for the display by manufacturers or distributors of their products in convention halls, coliseums and similar type buildings where there is an existing beverage license, and with the approval of the Division for an event not to exceed 5 calendar days. For consumption on premises only.
Non-Member Sales Permit for Golf Clubs (\$50 per day)	NMSP	565.02(4)	Holders of golf club licenses (11CG). Sale of Beer, Wine, and Liquor to non-members. One event per year, not to exceed 8 consecutive days.
Special Sales License (\$25)	SSL	561.20(12)(a)	Beer, Wine, and Liquor. Package sales only. Valid for 3 days. Special license issued for the limited purpose of: a sale pursuant to a levy and execution; a sale by an insurance company in possession of alcoholic beverages; a bankruptcy sale; a sale resulting from a license suspension or revocation; a sale of damaged goods by a common carrier; sale by a bona fide wine collector; or a sale of packaged alcoholic beverages pursuant to part V of chapter 679. Distributors may purchase packaged alcoholic beverages at a special sale authorized by this special license.
CHILD LICENSES – LICENSES CORRESPONDING TO A PRIMARY LICENSE TYPE AT A LICENSED PREMISES			

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSES AND PERMITS FOR ALCOHOLIC BEVERAGES

VENDORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Additional Points of Sale/Service More than 3 Rooms with Permanent Bars (\$1000)	3M	565.02(1)(g)	Required for spirituous alcoholic beverage vendors operating a place of business where consumption on the premises is permitted and which has more than three separate rooms or enclosures in which permanent bars or counters are located from which alcoholic beverages are served for consumption on the licensed premises.
Additional Points of Sale/Service <i>For Theme Parks</i> Up to 5 Additional Bars (\$1500) 6-10 Additional Bars (\$2500) More than 10 Additional Bars (\$3500)	3M	565.02(6) 565.02(7)(d)	Required for Theme Park operators having a place of business where consumption on the premises is permitted and which has bars from which alcoholic beverages are served for consumption on the licensed premises.
Portable Bars at Golf Club (\$100)	11CX	565.02(1)(g)	Can only be issued to a Golf Club (11CG or 11CG PC) license holder. May operate service or portable bars on contiguous property.
Portable Bars at Golf Club Operating as a Vendor Other Than 11CG / 11CG-PC (\$100)	GC		Additional license issued to golf clubs which are ineligible for an 11CG or 11CG PC license. Authorizes service of alcoholic beverages allowed by parent license at various points of sale on the licensed premises.
Manufacturer of Malt Beverages in Vendor Premises (\$500)	CMBP	561.221(3) 563.02(2)	Manufacturer engaged in the business of brewing less than 10,000 kegs of malt beverage annually; for consumption on premises only. Issued in connection with consumption on premises retail license.

**DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSES AND PERMITS FOR ALCOHOLIC BEVERAGES**

MANUFACTURERS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Manufacturer of Wine (\$1000)	AMW	564.02(2)(a)	Engaged in manufacturing or bottling wine.
Manufacturer of Wine and Cordials (\$2000)	BMWC	564.02(2)(b)	Engaged in manufacturing of wines and cordials.
Manufacturer of Malt Beverages (\$3000)	CMB	563.02(2)	Manufacturer engaged in brewing malt beverages.
Distiller of Spirituous Liquor (\$4000)	DD	565.03(2)(a)1	Distiller of spirituous liquor.
Rectifier/Blender (\$4000)	ERB	565.03(2)(a)2	In business of rectifying and blending spirituous beverages.

DISTRIBUTORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Distributor of Beer, Wine and Liquor (\$4000)	KLD	565.03(3)	Distributes spirituous, vinous, and malt beverages to vendors and distributors.
Distributor of Beer, Wine and Liquor in Counties with a population of 15,000 or less (\$1000)	KLD2	565.03(3)	Distributes spirituous, vinous, and malt beverages to vendors and distributors in counties having a population of 15,000 or less if the county is wet.
Distributor of Beer and Wine (\$1250)	JDBW	564.02(3)(a)	Distributes beer and/or wine to vendors and other distributors.

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
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DISTRIBUTORS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Distributor of Alcoholic Beverages in Dry Counties (\$1250)	EDB	565.03	Distributes alcoholic beverages containing no more than 3.2% of alcohol by weight in dry counties.
Distributor of Sacramental Wines (\$50)	JDSW	564.02(3)(b)	Distributes only sacramental Wines to permit holders.
Importer (\$500)	IMPR	561.14(5) 565.03(4)	Licensed to sell, or cause to be sold, shipped and invoiced, domestic and foreign alcoholic beverages to licensed manufacturers, distributors and no one else in the state.
Exporter (No Fee)	MEXP	561.01(16)	Any person who sells alcoholic beverages to persons for use outside the state and includes a ship's chandler and a duty free shop.
Salesmen of Wine, and Spirits (\$50)	LQS	561.68	Before any person may solicit or sell to vendors or become employed as a salesman of spirituous or vinous beverages for a licensed Florida distributor, a salesman's license must be obtained. The application must be filed with Central Office Licensing.
Brokers / Sales Agents (\$500)	BSA	561.14(4) 565.03(4)	Licensed to sell, or cause to be sold, shipped, invoiced, alcoholic beverages to licensed manufacturers, distributors and no one else in the state.

OTHER PERMITS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Off-Premises Storage Permit (No Fee)	OPS	562.03 565.03(3)	Off premises storage of alcoholic beverages with approval of the division.
State Bonded Warehouse (\$1)	SBW	562.25(1)	Licensed warehouse to store alcoholic beverages. Bond required.

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
LICENSES AND PERMITS FOR ALCOHOLIC BEVERAGES

BRAND REGISTRATIONS – ALCOHOLIC BEVERAGES			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Beer (\$30)	BRND	563.045	All malt beverages that move or are caused to be moved, sold, or offered for sale within the state must be registered.
Wine (\$15)	BRND	564.045	All vinous beverages that require a federal label approval and are scheduled for shipment to a licensed distributor or importer within this state for the purpose of being sold within the state must be registered.
Liquor (\$30)	BRND	565.095	All distilled spirits that require a federal label approval and are scheduled for shipment to a licensed distributor or importer within this state for the purpose of being sold within the state must be registered.
Brand Registrant (No Fee)	RGST	563.045	Licensure as a Brand Registrant authorizes the shipment of malt beverages that move or are caused to be moved, sold, or offered for sale within the state. The Brand Registrant must be licensed for each brand or label shipped into or within this state.
Primary American Source of Supply (No Fee)	RGST	564.045 565.095	Licensure as the Primary American Source of Supply authorizes the shipment of vinous or spirituous alcoholic beverages to distributors, importers, manufacturers, bonded warehouses and registered exporters within the state. The Primary American Source of Supply must be licensed for each product shipped within and without the state.

**DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERMITS FOR CIGARETTES AND OTHER TOBACCO PRODUCTS**

VENDORS – CIGARETTES AND OTHER TOBACCO PRODUCTS			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Retail Tobacco Products Dealer (\$50)	RTPD	569.003	Permits the retail sale of cigarettes and other tobacco products to persons who are at least 18 years of age. Purchases of cigarettes and other tobacco products must be made through a licensed wholesale dealer.

DISTRIBUTORS – CIGARETTES AND OTHER TOBACCO PRODUCTS			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Cigarette Wholesale Dealer (\$100)	CWD	210.15(1)	Permits the sale of Cigarettes to retail dealers for resale only.
Cigarette Distributing Agent (\$100)	CDA	210.15(1)	Permits receiving cigarettes in interstate or intrastate commerce and storage.
Cigarette Importer (\$100)	CIMP	210.15(1)	Any domestic person or entity with a valid permit under 26 U.S.C. s. 5712 who imports into the United States, directly or indirectly , a finished cigarette for sale or distribution.
Cigarette Exporter (\$100)	EXP	210.15(1)	Transports tax-exempt cigarettes into state under bond for delivery beyond the borders of this state.
Cigar Wholesale Dealer (\$25)	CGR	210.65(2)	Permits the sale of Cigars to retail dealers for resale only.
Tobacco Wholesale Dealer (\$25)	TWD	210.40	Tobacco products means loose tobacco suitable for smoking, snuff, snuff flour, etc. Does not include cigarettes or cigars. Licensed as distributor for sale to retailers. Additional requirements to be met.

DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO
PERMITS FOR CIGARETTES AND OTHER TOBACCO PRODUCTS

MANUFACTURERS – CIGARETTES AND OTHER TOBACCO PRODUCTS			
TYPE	CLASS	FLA. STAT.	DESCRIPTION: ADDITIONAL TERMS MAY APPLY.
Cigarette Manufacturer (\$100)	CMFG	210.15(1)	Any domestic person or entity with a valid permit under 26 U.S.C. s. 5712 which manufactures, fabricates, assembles, processes, or labels a finished cigarette.