

FREQUENTLY ASKED QUESTIONS
RELATED TO RESTAURANTS, BARS AND NIGHTCLUBS
PURSUANT TO EXECUTIVE ORDER 20-68 AS ISSUED MARCH 17, 2020

RESTAURANTS

How will food service establishments determine “50% occupancy”?

Building occupancy is established by the local building authority and/or the local fire authority. A Certificate of Occupancy is a document provided to each business by the local authority that establishes a maximum limit on the number of people – staff and customers combined - who can occupy the space simultaneously. Dividing this number (maximum occupancy) by half will provide the number of people who can congregate within the space simultaneously while Executive Order 20-68 is in effect.

How will food service establishments keep patrons 6 feet apart and limit parties to no more than 10 individuals?

1. **Patrons seated at a bar or counter:** DBPR advises that the seating of patrons at bars or counters regularly brings groups of patrons within six feet of each other and within six feet of restaurant employees. For this reason, the Division instructs all restaurants to limit seating of patrons to tables. Drinks may continue to be prepared at the bar for table service.
2. **Patrons seated at adjacent or adjoining tables:** DBPR interprets Executive Order 20-68 to prohibit seating at consecutive tables or booths abutting one another or that have less than six feet of space between the edge of one table or booth and the next. Each establishment is responsible for configuring its dining area, by either removing tables or blocking the seating of patrons at consecutive or close tables, in order to comply with Executive Order 20-68.
3. **Patrons waiting in or near the entrance to the restaurant:** DBPR strongly discourages any waiting areas at restaurants, either for seating availability or for picking up take-out orders. Restaurants should request a patron’s cell phone number to inform him or her when either a table is ready or the take-out order is ready, and ask the patron to wait in his or her vehicle or another safe location until called.

How will food service establishments screen their employees for illness?

Managers/supervisors should instruct their employees to notify them if they are diagnosed with COVID-19. Employees diagnosed with COVID-19 may not return to work until they have had two consecutive negative test results separated by 24 hours. Managers/supervisors should continue to instruct their employees to notify them if they are experiencing symptoms of illness, as is required by the 2017 FDA Food Code. Employees who report symptoms of an illness should follow established restriction and exclusion protocols. Managers/supervisors should meet each employee outside the establishment upon an employee’s arrival for a work shift. The manager should evaluate the employee for obvious signs of illness and send the employee home if symptoms such as cough, fever, shortness of breath, sore throat, or signs of a respiratory infection, are observed.

How will food service establishments screen their employees for contact with others who may be ill?

Managers/supervisors should instruct all employees to notify them immediately if they have been in contact with anyone diagnosed with COVID-19, or with anyone who has traveled through an airport or onboard a cruise ship within the past 14 days. Managers/supervisors should routinely ask their employees, upon an employee's arrival for work, whether they have been in contact with anyone diagnosed with COVID-19, or with anyone who has traveled through an airport or onboard a cruise ship within the past 14 days. Employees who respond affirmatively should be prohibited from working in the establishment until a period of at least 14 days has elapsed (from the time the contact occurred).

BARS, PUBS, AND NIGHTCLUBS

Does Executive Order 20-68 apply to licenses such as Series 11C, Series SBX, hotels, and other special license types?

Yes. Any licensee authorized to sell alcoholic beverages for consumption on the premises that derives more than 50% of its gross revenue from the sale of alcoholic beverages must suspend all sales of alcoholic beverages for thirty days, beginning at 5 p.m. on March 17, 2020.

How can a licensee determine whether it derives more than 50% of its gross revenue from the sale of alcoholic beverages for the purpose of the Executive Order?

The revenue percentage is determined by the location's sales made in the 12 months prior to the issuance of Executive Order 20-68.

What conduct will indicate to the Division of Alcoholic Beverages and Tobacco that a location may be selling more than 50% of its gross food and beverage revenue as sales of alcoholic beverages?

- 1. Patrons standing and drinking.** *The Division will have reason to believe that a location may be operating as a bar, not a restaurant, if patrons are standing near the bar.*
- 2. Serving drinks to patrons at the bar.** *The Division advises locations to stop selling drinks directly from the bar but to sell drinks exclusively to patrons seated at tables. Drinks may continue to be prepared at the bar for table service.*

May a licensee that holds both a food service license and an alcoholic beverage license continue to make food service sales if alcohol sales have been suspended pursuant to the executive order?

Yes, they may. The prohibition on the sale of alcoholic beverages applies to all establishments licensed by the Division of Alcoholic Beverages and Tobacco that fall within the scope of the Executive Order, regardless of license type, business name, location, or business model. The prohibition does not prevent sales of other products which the licensees are otherwise lawfully allowed to sell.

May an alcoholic beverage manufacturer that holds a vendor license for an adjacent tasting room allow only package sales of alcoholic beverages for off-premise consumption if the licensee is unable to continue with consumption on the premises pursuant to the restrictions of the order?

Yes. A manufacturer of alcoholic beverages may allow package sales in its adjacent vendor-licensed tasting room, even if sales for consumption on the premises have been suspended pursuant to the executive order.

What are the potential consequences for failing to abide by the terms and conditions of Executive Order 20-68?

Failure to comply with Executive Order 20-68 may result in administrative action being taken by the Department of Business and Professional Regulation against your license, including the issuance of an Emergency Suspension Order pursuant to section 120.60(6), Florida Statutes. Failure to comply with the provisions of the order may also subject persons or entities to additional enforcement action by other state or local law enforcement agencies.

What records may the Division request to determine compliance with Executive Order 20-68?

Pursuant to section 561.55, Florida Statutes, each vendor shall keep records of all sales, purchases, or other acquisitions of alcoholic beverages. Additionally, pursuant to section 561.29(2), Florida Statutes, the Division shall have the power and authority to examine into the business, books, records, and accounts of any licensee. The Division may examine these records if necessary to determine compliance with the Executive Order.

Can a licensee voluntarily relinquish its smoking designation (SS or SSF), start making food sales and begin operating in a manner consistent with a public food service establishment in order to continue to sell alcoholic beverages?

No.

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