



# Florida Alcoholic Beverage Retailer's Handbook

# **Florida Alcoholic Beverage Retailer Handbook**

By Maj. Mark Willingham  
Alcohol Solutions, LLC.

4839 Mariners Point Drive  
Jacksonville, Florida 32225  
904 707 4400  
Mark@AlcoholSolutions.Org

Copyright © 2015 by Alcohol Solutions, LLC

Maj. Mark Willingham served with the Florida Division of Alcoholic Beverages and Tobacco (AB&T) for twenty-eight years and provided beverage licensing, regulatory, and law enforcement services as a Law Enforcement Commander. In addition to serving as the Division's Chief Financial Officer and Chief Training Officer, he served as Florida's Responsible Vendor Program Administrator, Florida's Youth and Alcohol Program Administrator, and as a State Hearing Officer.

This handbook is designed to inform alcoholic beverage retailers of certain laws and requirements that may affect their business operation and was based on a series of Beverage Retailer Handbook's previously published by the Florida Division of Alcoholic Beverages and Tobacco.

The intent of this Handbook is to help alcoholic beverage retailers understand and comply with the laws intended to keep Floridians and visitors safe from alcohol related harms and to protect your business from criminal, administrative, and civil legal actions. While we have endeavored to provide you with current and comprehensive information, the ultimate responsibility to keep abreast of current laws and rules must rest with you.

This Handbook is not intended to be an all-inclusive explanation of the Florida Alcoholic Beverage laws. Rather, it is intended to provide you with an overview of the key elements of the operation of your business to help you.

Every effort has been made to ensure the information contained in this handbook is current and accurately presented. Please use this Handbook as a general guide to operating your business. Of course, it is your responsibility to operate your business lawfully and the author assumes no responsibility for the operation of your business. In addition to the information contained in this handbook, alcoholic beverage licensees and the general public may contact the Florida Division of Alcoholic Beverages and Tobacco for more information. They are very helpful in both the application process and in guiding you in the operation of your business.

## Table of Contents

<b>NEW AND TRANSFER LICENSES.....</b>	<b>4</b>
<b>LICENSED PREMISES .....</b>	<b>5</b>
<b>TIED HOUSE EVIL (561.42, F.S.).....</b>	<b>8</b>
<b>PERSONS UNDER THE AGE OF 21.....</b>	<b>11</b>
<b>MOONSHINE, NON-TAX PAID BEER AND WHISKEY .....</b>	<b>25</b>
<b>INFORMATION FOR HOLDERS OF VARUOUS ALCOHOLIC BEVERAGE LICENSES.....</b>	<b>27</b>
<b>OFF-PREMISES.....</b>	<b>27</b>
1-APS.....	30
2 – APS.....	30
3 -PS.....	30
<b>ON – PREMISES.....</b>	<b>31</b>
1-COP.....	34
2-COP.....	35
Quota License 4, 5, 6, 7, or 8 - COP.....	35
4-COP S (Hotel).....	36
4-COP SR.....	38
4-COP SRX.....	40
4-COP SBX.....	41
11-C Golf Course.....	44
11-CX (Portable Temporary Bar For Licensed Golf Clubs ONLY).....	45
11-C Tennis and/or Racquetball Club.....	45
<b>EMPLOYEE'S AGREEMENT OF UNDERSTANDING .....</b>	<b>46</b>

NOTE: The letters F.S. as used in this Handbook refer to the Florida Statutes.

**GENERAL QUESTIONS AND ANSWERS RELATING TO  
ALL ALCOHOLIC BEVERAGE LICENSES**

## **NEW AND TRANSFER LICENSES**

1. What are the qualifications of a licensee?

A. Holding an alcoholic beverage license is a privilege and not a right. Generally speaking, an applicant must be at least 21 years old and have not been convicted of a felony in the past 15 years or a beverage violation in the past 5 years. The applicant must be of good moral character. (561.15, F.S.)

2. Do I have to be a resident of the state of Florida to hold a beverage license in the state?

A. No. There is no law that requires a beverage license holder to be a resident of this state nor is he or she required to be a citizen of the United States. However, aliens must certify that their involvement in the business would not be in conflict with Federal Immigration regulations. Out-of-state corporations must show evidence they are registered to do business in Florida.

3. How long does it take to get a license or transfer a license?

A. Each application is a separate transaction and it is difficult to predetermine the length of time it will take to process. In other words, it takes as long as necessary for the Division to establish that the applicant is qualified to hold a license and the location is qualified to be a licensed premises. All applications are processed within the time frame established in the Administrative Procedure Act. (Chapter 120, F.S.)

4. Are Quota liquor licenses available from the state or do I need to buy a license to run a beer, wine, and liquor lounge?

A. "Quota" liquor licenses are issued one for every 2,500 in population in most counties based on the latest Federal Census and on population estimates in accordance with Florida law. "Special" liquor licenses are available for bona fide hotels, motels, restaurants, airports, bowling, tennis and racquetball establishments and other specialized businesses that meet certain requirements. Some counties have special acts in regard to population requirements for quota liquor licenses. Contact the local Division of Alcoholic Beverages and Tobacco offices to inquire about applying for the next Quota liquor license lottery.

5. May I buy a quota type liquor license from someone else?

A. Yes. The Division charges a transfer fee for quota type liquor licenses, based on the average annual value of gross sales of alcoholic beverages for the three years immediately preceding transfer, at the rate of four mills, provided the fee shall not exceed \$5,000.00. If the license has been inactive for the past three years, the \$5,000.00 fee will be charged. Records establishing annual values will accompany the application for transfer. Falsification of such records is a criminal offense. New quota liquor licenses issued after July 1, 1981 may not be transferred for three years from the date of issue by the state except under certain circumstances. (561.32, F.S.)

6. May an applicant operate the business while an application is being processed?

A. No. However, if the applicant qualifies and receives a temporary license valid for not more than 90 days until the application is approved, the applicant can operate the business during that time until the permanent license is approved. Should the application be disapproved, the temporary license expires at that moment. After the denial of the transfer application, the temporary license cannot be continued or extended in any way. (561.331 and 561.181, F.S.)

7. What if the Director refuses to issue me a beverage license, can I appeal his decision?

A. Yes, if you request a hearing in writing within 21 days of denial. (Chapter 120, F.S.).

8. What constitutes my licensed premises?

A. A licensed premises is the space encompassed on the sketch, which was submitted as part of the license application. It normally includes the interior of the building in which alcohol is sold or service. Depending to the nature of the license type and local restrictions, the licensed premises can also include the sidewalk in front of the premises allow open air alcohol service, the parking lot, the entire property on which a hotel or golf course sits or other area authorized by law. Contact the Division of Alcoholic Beverages and Tobacco for more information.

9. What other government approval is required for an alcoholic beverage license?

A. for every license other than a 1 APS (beer package only), local zoning approval is required, For any business selling and serving alcohol for consumption on the premises the application also must contain Department of Health or Division of Hotels and Restaurants approval.

## LICENSED PREMISES

1. Does everyone employed in a bar have to be fingerprinted?

A. No. However, it is unlawful for the holder of any beverage license, except Series 1-APS (beer package only) and Series 2-APS (beer and wine package only) to employ as a manager, person in charge or as a bartender, any person convicted anywhere in the United States in the last five (5) years of any beverage law violation, soliciting for prostitution, pandering, letting premises be used for prostitution, keeping a disorderly place, illegally dealing in narcotics or any felony. (562.13(3) (a), F.S.). Most alcoholic beverage licensees conduct a background check on employees to make sure they do not have a disqualifying arrest in their background.

2. How old does a person have to be to work in a licensed premises?

A. Generally 18. There are certain exceptions:

- Grocery stores, drug stores or service stations selling beer or beer and wine by package only.
- Professional entertainers who are at least 17 and not in school.
- Bellhops, elevator boys, and others, in hotels, working away from areas normally dispensing alcoholic beverages.
- Bona fide restaurants with food training programs for persons meeting certain requirements, as

established by the Hospitality Education Program, Florida State University, provided such persons do not participate in the sale, preparation or service of alcoholic beverages.

- Actors and actresses, or musicians in bona fide dinner theaters.
- Bowling alleys, so long as the minor does not participate in the sale, preparation or service of alcoholic beverages. NOTE: All licensees must comply with the Child Labor Laws of this state as regulated by Florida Department of Commerce, Division of Child Labor.

3. May a licensee or his agent allow his customers to bring their own liquor into either a beer or beer and wine bar?

A. No. This is in violation of 562.02 F.S. A beverage retailer may only sell or allow the consumption of the alcohol he purchased through a licensed wholesaler.

4. May a licensee of a package store or grocery store allow patrons to sit on his premises, even though outside the building, and drink alcoholic beverages?

A. No. (561.12, 562.453, and 561.29(1)(c), F.S.). Package store operators may not allow patrons to drink on their premises. The premises often includes the parking lot and other outside areas adjacent to the building. Occasionally a licensee may choose to obtain a consumption on premises license even though they operate a package-type store to protect themselves from administrative or criminal charges if a patron opened an alcoholic beverage in the premises.

5. Do any Law Enforcement Officers other than Special Agents with the Florida Division of Alcoholic Beverages and Tobacco have the right to inspect the premises?

A. Yes. Any Sheriff, Deputy Sheriff or Police Officer has the right to inspect the premises just as a AB&T Special Agent or Inspector. (562.41 F.S.)

6. If a customer orders a drink by brand and a bartender serves him some other brand, is this a violation?

A. Yes. it is a misrepresentation of alcoholic beverages sold even if you provide him a beverage of higher quality. (562.061, F.S.)

7. May a licensee retain his empty liquor bottles for inventory?

A. Yes. He can do as he wishes with the empty bottle. This is different than the law in many other states. However, under no circumstances may a licensee refill a liquor bottle with any alcoholic beverages.

8. If I run out of a certain brand, may I buy from a nearby bar?

A. No. Sales of alcoholic beverages from one retailer to another for resale is prohibited, except as a member of a pool-buying group participating in pool purchase as a single transaction. (561.14, F.S.)

9. I have a Special Restaurant license. however, on Tuesdays I don't sell food. May I leave my lounge open?

A. No. All Special Restaurant licenses marked SRX must discontinue sales of alcoholic beverages when food service is discontinued. (561.20, F.S.)

10. I own a hotel which has a liquor license marked S. I know nothing about the liquor business but must have a lounge for my guests. May I lease the lounge to a person who knows the business?

A. No. Owners of Special Hotel licenses must operate their own lounges. Management agreements may be approved by the Florida Division of Alcoholic Beverages and Tobacco. A lessee of a restaurant operation within a motel or hotel may apply for a Special (SRX) license independent of the hotel operation and provide room service under the license. (561.20, F.S.)

11. I have a bowling establishment with 15 lanes. Can I obtain a liquor license?

A. Yes. Qualified applicants who own or lease bowling establishments having 12 or more lanes and operating same may obtain a Special Bowling Establishment license. This license does not permit package sales. (561.20(2)(c), F.S.)

12. I am a member of an incorporated club with tennis and racquetball facilities. Can the club apply for a club alcoholic beverage license?

A. Yes. Chartered or incorporated clubs owning or leasing and maintaining any bona fide tennis club or four wall indoor racquetball club consisting of not less than 10 regulation size tennis courts or 10 regulation size four wall indoor racquetball courts, or a combination of the two equal to 10 courts or more, with clubhouse facilities, pro shop, locker rooms and attendant tennis or racquetball facilities, all located on a contiguous tract of land owned or leased by such club may be issued a club license under Section 565.02(4), F.S. Failure to maintain facilities and courts is grounds to revoke the license. This license does not permit package sales or sales to nonmembers of the club. (561.20(7)(c), F.S.)

13. Should I post my beverage license where the public can see it?

A. Yes. Licenses must be displayed in a conspicuous place on the premises. (561.23(2), F.S.)

14. May I buy alcoholic beverages direct from a distributor and transport them to my bar?

A. Yes, provided the distributor is licensed in this state. (561.57, 562.07 and 561.14, F.S.)

15. May I legally pour the remainder of the contents of a liquor bottle into another of the same brand?

A. No. (565.11, F.S.). This is commonly called marrying and is illegal.

16. I am an officer of a club (11-C) license. May we stay open at any time?

A. Clubs must follow the same hours of sale as other licenses unless changed by the County or Municipality. (562.14, F.S.)

17. My bar is small. May I store beer in my house?

A. You may request an off-premises storage permit from the AB&T District Office at no charge. However, this storage area cannot be in your home or garage or that of an employee. (562.03, F.S.)

18. I own several businesses. May I have a central storage area and transport the alcoholic beverages to the various premises?

A. Yes, providing you have off-premises storage permits for the respective locations. In addition, duplicate copies of invoices must be kept at the central location and with the beverages transported. (561.57, F.S.)

19. Am I, as a licensee, responsible for any violation by my employees?

A. Yes, while they are on your premises, or elsewhere, if acting in the scope of their employment (561.29, F.S.).

20. If I bring some liquor back from the Islands, may I use it in my licensed retail bar?

A. No. It is illegal to have any nontax paid alcoholic beverage on you licensed premises. (562.01, F.S.)

21. May an airline operate a liquor lounge in an air terminal?

A. Yes. Operators of airlines engaged in interstate or foreign commerce in this state may obtain licenses to sell alcoholic beverages in no more than one passenger-waiting lounge licensed by the Division and operated by the airline for a fee of \$1,100 per lounge. (565.02(3)(a), F.S.)

22. I have a license that allows consumption and package sales of alcoholic beverages. Can I sell alcoholic beverages in open containers "to go"?

A. No. Florida law prohibits the sale or service at the curb of open containers of alcoholic beverages. In other words, no "to go cups". (562.452, F.S). The only exception is beer sold in growlers by 1 COP, 2 COP and 4 COP (not including any special 4 COP licenses). However, the growlers must be sealed in some way before leaving the premises.

23. How old must a person be before I can legally sell tobacco products in Florida?

A. Eighteen years of age for cigarettes, cigarette wrappers or any other tobacco product. (F.S. 859.06)

## **TIED HOUSE EVIL (561.42, F.S.)**

1. As a licensed alcoholic beverage retailer, may I accept deals from the distributor that include alcoholic beverages at a discount when purchased in specified quantities?

A. Yes, except for beer or malt beverages which must be sold at the posted price. Discounts may be in the form of alcoholic beverages or cash but must be shown on the invoice. (561.01(10) F.S.). All "deals" must be available equally to every alcoholic beverage retailer. Although, a wholesaler may establish quantity discounts that only the largest retailers can utilize.

2. May I as a licensed retailer accept cash "rebates" on large quantity purchases of alcoholic beverages?

A. No. Beer and malt beverages must be sold at the posted price. All discounts on wine or distilled spirits in the "usual course of business" must be recorded on the invoice stating the total charge for the beverage less any cash discount thereby showing the adjusted price of the merchandise to you. (561.42, F.S.)

3. What is the delinquent list?

A. This is a list published by the Division of those retailers who fail to pay for their alcoholic beverage purchases within the time period provided by law. (561.42, F.S.)



4. Why is the state of Florida concerned with retail vendors not paying for alcoholic beverages?

A. To avoid monopolistic practices of distributors by gaining control' of the retailer through unrestricted extension of credit.

5. What is the purpose of the delinquent list?

A. The purpose is twofold. First, it is to notify distributors of alcoholic beverages of those retail vendors who are delinquent in their payments for alcoholic beverages. Second, it is to prohibit the extension of additional credit by prohibiting retailers from further purchases of alcoholic beverages.

6. May a wholesaler extend credit to me for purchases of alcoholic beverages?

A. Yes. The wholesaler may extend credit to you provided the invoice is paid within the time specified by law. Any arrangement for credit which exceeds the time allowed by law may result in administrative charges being filed against the beverage license of both the wholesaler and the vendor. (561.42, F.S.)

7. What happens to my license if I do not pay the wholesaler for the purchase of alcoholic beverages by the time required by law?

A. The wholesaler is required to report delinquencies of alcoholic beverage purchases to the Division and to you. The Division may subsequently place your business on the "delinquent list" which would either restrict or prohibit further purchases of alcoholic beverages until the delinquency is settled.

8. My check for alcoholic beverage purchases did not clear the bank. What will happen to my license?

A. If a check is returned by the bank not paid and the time limit for payment to the wholesaler has expired, a delinquency is created and the wholesaler is required to report this nonpayment to the Division no later than the close of business on the day following the day on which the check was returned and your license will be placed on the "delinquent list".

9. I own a number of beverage-licensed places. What effect will there be on the other licenses if one of my licenses becomes delinquent in payment of alcoholic beverages?

A. If one of your licenses becomes delinquent in the payment of alcoholic beverages, all beverage licenses issued to that same ownership will be placed on the delinquent list and remain there until the debt(s) has been settled.

10. May a wholesaler or manufacturer of alcoholic beverages furnish me outside signs advertising my place of business?

A. No. The manufacturer or wholesaler may only give, lend, furnish or sell to a vendor who sells his products, signs and placards to be displayed by the vendor in the interior of his licensed premises. (561.42(10), F.S.). There can only be one electric, neon, or similar sign per brand displayed in the windows of a retailer.

11. What can a distributor furnish to me as a retail licensee?

A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any broker, sales agent, or sales person thereof, may provide a retailer with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like, if such items

are sold at a price not less than the actual cost to the industry member who initially purchased them.

A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any broker, sales agent, or sales person thereof, may rent, loan without charge for an indefinite duration, or sell durable retailer advertising specialties such as clocks, pool table lights, and the like, which bear advertising matter to the retailer regardless of value.

A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any broker, sales agent, or sales person thereof, may provide a retailer with consumer advertising specialties such as ashtrays, T-shirts, bottle openers, shopping bags, and the like, if such items are sold at a price not less than the actual cost to the industry member who initially purchased them, without limitation in total value of such items sold to a vendor.

A manufacturer, distributor, importer, brand owner, or brand registrant of malt beverage, or any broker, sales agent, or sales person thereof, may provide consumer advertising specialties to consumers on any vendor's licensed premises.

A manufacturer, distributor, importer, brand owner, or brand registrant of beer, and any broker, sales agent, or sales person thereof, shall not conduct any sampling activities that include tasting of their product at a vendor's premises licensed for off-premises sales only.

Manufacturers, distributors, importers, brand owners, or brand registrants of beer, and any broker, sales agent, or sales person thereof, shall not engage in cooperative advertising with vendors.

Distributors of beer may sell to vendors draft equipment and tapping accessories at a price not less than the cost to the industry member who initially purchased them, except there is no required charge, and a distributor may exchange any parts which are not compatible with a competitor's system and are necessary to dispense the distributor's brands. A distributor of beer may furnish to a vendor at no charge replacement parts of nominal intrinsic value, including, but not limited to, washers, gaskets, tail pieces, hoses, hose connections, clamps, plungers, and tap markers.

12. The distributor that supplies my alcoholic beverages has some extra beer coolers. May I rent one from them?

A. No. Other than the advertising specialties mentioned previously, a distributor may NOT rent property to a retail vendor. (561.42(1), F.S.)

13. I sell draft beer. May the distributor I buy my beer from clean the beer lines and tubing of my draft cooler?

A. Yes. He may also provide "in-store servicing" of his product but he may not render any other service which would otherwise be costly to you as a vendor. (561.42 and 561.423, F.S.)

14. I can save a lot of money by making quantity purchases but my place is too small to store all the purchases. May I make an agreement with the wholesaler supplier to warehouse the beverages and deliver them on an as needed basis?

A. No. This would be giving aid to you as a vendor and in violation of the Tied House Evil Law. (561.42, F.S.)

15. I operate my business only during the season and close during the off-season. May I return my

alcoholic beverages to the distributor when I close?

A. No. Florida law does not allow consignment sales of alcoholic beverages.

16. Before I place my order for alcoholic beverages, how would I know the special discount(s) offered on quantity purchases?

A. Each licensed wholesaler maintains a discount sheet (deal sheet) and must allow all vendors buying the same quantities of merchandise the same discount as reflected by the deal sheet for that business day. Beer prices are also posted in the AB&T District Offices.

17. I operate a grocery store and sell beer to go. May the distributor service his beer product in my store?

A. Yes. A distributor may rotate alcoholic beverages, place them in your cooler and stock for appearance or display. He may also price stamp his product while in your premises. (561.423, F.S.) He may not render any other service which otherwise would be costly to you as a vendor. (561.423)

18. May I join with other licensed retailers and form a co-op to buy in large quantities and take advantage of discounts offered?

A. Yes. A written agreement between two or more vendors filed with and approved by the Division of Alcoholic Beverages and Tobacco which designates one of the vendors as the agent of the others for the purpose of "cooperative" purchasing is permissible.

19. I am a member of a co-op pool-buying group. One of the members of the group became delinquent through our cooperative purchase of alcoholic beverages and was reported to the Division. I paid my bill. How does this affect my license?

A. As in the case of multiple license holders, all members of the co-op pool-buying group who participated in the particular pool order are placed on the "delinquent list".

20. If we delete the member of the co-op pool-buying group causing the delinquency, will the rest of the group be removed from the "delinquent list"?

A. No, because the delinquent member was a part of the group when the pool purchase was made.

## **PERSONS UNDER THE AGE OF 21**

1. How old must a person be to legally drink alcoholic beverages in Florida?

A. Twenty-one years of age. (562.11,562.11(1) and 562.11(3), F.S.)

2. What is good identification as proof of age?

A. A person's driver's license, an identification card issued under the provisions of s. 322.051 or, if the person is physically handicapped as defined in <sup>2</sup>s. 553.45(1), a comparable identification card issued by another state which indicates the person's age, a passport, or a United States Uniformed Services identification card are acceptable forms of identification in Florida.

The mere possession of these documents does not assure they are in the possession of the owner. Therefore, common sense and reason must be used in making a determination as to whether a person is of legal age to purchase or consume alcoholic beverages.

It is recommended that more than one piece of identification be checked. Secondary forms of identification that can be used to verify the information on a driver's license, passport, or state identification card, include a Social Security card or student identification card.

Identification that is not acceptable includes a birth certificate, obviously altered identification, and identification cards that are not from a recognized, official agency. There are publications available to help you recognize proper out-of-state driver's licenses. Also, see booklet insert for tips on checking state of Florida driver's licenses and identification cards. If you are in doubt as to the age of a person, REMEMBER: You have the right to refuse service to anyone to protect your license. (562.11, F.S., 562.51, F.S.)

3. How should I go about checking an identification card that is presented to me?

A. Other than checking the date of birth to be sure that the person is of lawful age, you should check other areas of the identification card. Check to see if the card is altered or tampered with in any way. If so, reject it immediately. Compare the photo to the person. Compare the physical description to the person's appearance. If necessary, ask the person to repeat information contained on the identification or have the person sign their name and compare it with the signature on the identification card. If you are in doubt, do not make the sale. Again, you have the right to refuse service to anyone to protect your license.

There are three levels of ID examination of available to beverage licensees and their employees to determine if the ID presented by a patron is legitimate. Those levels are (1) preliminary examination, (2) personal interaction, and (3) detailed examination.

The Alcoholic Beverage Licensee should provide his/her employees with the tools needed to determine if the ID presented is legitimate and if the presenter legitimately owns the ID. The tools needed to carefully examine an ID are (a) sufficient environmental lighting, (b) black light (handheld or mounted), (c) magnifying glass, and (d) pen and paper.

### **Preliminary Examination Process:**

The preliminary examination involves an initial assessment of the license or ID card designed to determine its basic authenticity and to determine if their presenter should be allowed to move on to phase two. Most false IDs can be determined at this initial examination level. Sufficient environmental lighting is necessary for the preliminary examination process.

Look at the date of birth depicted on the ID card. Is it within the appropriate range to indicate the person is 21 years of age or older. Many underage persons will present their own ID hoping that the ID checker will only do a cursory review or will not know the appropriate date of birth necessary to determine that the presenter is 21 years of age or older.

It is incumbent on the beverage licensee to provide his or her employees with tools to determine the appropriate date of birth to evidence that the presenter is 21 years of age or older. These tools can include a calendar which depicts the appropriate date of birth on that day, a note placed on the point-of-sale system each day evidence in that date, and placing the burden on the employee to know the date of birth by quizzing the employee each day when they report to work to ensure that they can prevent sale and service to persons under the age of 21.

Look at the expiration date of the ID card to determine that it is still current. An ID card of any nature that has expired is not valid and should not be used for age determination.

Determine if the ID is identified as a *duplicate*. While a duplicate license can be a valid ID, it is an indication that the person and the license should be examined with greater attention to detail because it is common for someone holding a duplicate license to have obtained it from a family member or friend while the family member or friend continues to use the original version.

Run your fingers gently across the front and back of the ID seeking to determine if there are any bumps evident in the lamination. While the card-stock versions of IDs are less prone to alteration, the laminate film on which the information is printed can be peeled back, altered, and reinstated. Most of the time, however, the laminate will remain creased where it was folded back during the alteration process. Running one's fingers over the surface of the license will detect those creases and folds.

Make sure that there are no cracks in the ID, especially a crack that goes across the date of birth. It is a common practice when attempting to alter the date of birth on an ID to break the ID along that change so that the alteration is less noticeable. If you choose to accept a cracked ID as a source of identification, care should be taken to ensure that there is other supporting documentation attesting to the person's date of birth.

Look at the two photographs that appear on the face of the ID. There is a large photograph and a smaller version of the photograph. Ensure that the photos match, the background is the same, the lighting is similar, etc.

Look at the back of the ID. Is there a magnetic strip and bar code on the back of the ID? Is their government information on the back of the ID? Legitimate IDs will utilize this space for additional information. An ID without anything on the back is clearly fraudulent. In addition, producers of fraudulent IDs that are represented as novelty items will often print a disclaimer on the back of the ID.

Examine the overall color and impression of the ID. Is the ID dramatically different in color - either too dark (indicating a fraudulent ID) or too light indicating an attempt to change in disguise information on the license? Use your ID as a guide and a template. IDs that are dissimilar to yours should be suspect. People will often wash the license and bleach water to help disguise attempted alterations by bleaching much of the color out of the license. IDs that appear too dark are indication of fraudulent production.

### **Personal Interaction:**

Once you have determined that the ID meets the preliminary examination standards, you should engage the holder a personal interaction to determine if it is actually their ID. It is important to do this in an environment with adequate lighting so to be able to observe the holder's personal characteristics.

Hold the license so that the person and the picture are easily compared. Your goal is to compare the photo with the person presenting it and holding the license so that you can see the photo and their face simultaneously allows you to make a good comparison.

Does the person presenting the ID have the same physical characteristics as depicted in the photograph?

Is the general hue of the person's skin color the same?

Does the person have light or dark colored eyes? While you may not be able to determine exact eye color from the ID, you can determine whether the eye color depicted in the photograph is light (blue, green, and hazel) or dark.

Look at the shape and length of the eyebrows.

Look at the shape of the face. Is it long and thin? Is it apple shaped? Is it pear-shaped? Absent extreme weight loss or weight gain -- which is not usual in persons under the age of 21 -- the shape of the face will not change.

Look at the relative distance between the eyes. Compare this distance to the overall size of the head for reference. The distance between the eyes does not change and can be a good indicator of identity.

Look at the shape of the ears. Are the ears long or short?

Look at the shape of the nose. Is the shape of the nose, e.g. long and thin, short and broad, the same as the person presenting the ID?

Assess the presenter's height against the high depicted on the ID. If you are not good at judging heights, put some reference points on the wall or a supporting post that you can use for quick comparison.

Look at the person's hair color and compare against the hair color in the photograph. While hair color is quite changeable and not as reliant as other physical features, it can also be an additional point of determination. Males tend not to color their hair as often as females. Females under 21 tend not to color their hair as much as females over the age of 21.

Determine if there is a corrective lens restriction listed on the license. If so, is the presenter wearing glasses? If not, ask if they are wearing contacts. With the availability of laser eye surgery to eliminate the need for corrective lenses growing, this may not be as reliable as other points of identification, however, a person with corrective lens requirements who was not wearing glasses and states they are not wearing contacts should be a point of concern and should warrant additional examination.

Ask the presenter of the license questions to determine that they are the holder of the license.

Ask their middle name.

Ask their zip code.

Ask their height.

Ask about restrictions listed on their license.

Ask if this is a duplicate or original license.

Ask their zodiac sign.

Utilize the pen and paper you have at the bar to have them sign their name. Compare the signature to that on the ID.

Finally, if their answers, or lack of answers, to any of these questions raises suspicion, ask for a second item from their wallet that has their name on it. This could include a credit card, library card, student ID, etc. in most cases, these documents also contain a signature, which can be used to compare against the ID.

### **Detailed Examination**

The detailed examination is useful to determine whether this is a legitimate ID. Sufficient environmental lighting, a fixed or handheld black light, and a 10X power magnifying glass are useful in conducting a detailed examination of the ID.

The State of Florida has encoded a number of obvious and non-obvious security measures into the ID to prevent fraudulent manufacture.

The obvious security measure is the inclusion of the date of birth in the driver's license number. The third grouping of numbers in the driver's license number consists of two digits, which represents the last two digits of the year in which the person was born. For example, if a person was born in 1972, his or her driver's license number might look like W452-541-72-309-0. As you can see, the "72" in the driver's license number matches the year of birth.

The card stock itself is an obvious security measure. Legitimate IDs have rounded corners. However, the photos and other images contained on the face of the ID are squared off.

The reverse side contains information. Any ID that is blank on the back or uses phrases such as "novelty item" is not a legitimate ID.

In addition to the smaller photo that appears on the face of the ID, a third photo also appears on the front of the ID, which can be observed through the use of a black light. This third photo appears to the right of the smaller photo that can be observed in natural light. While the third photo cannot be viewed in white light, its existence can be observed by the naked eye by reflecting light off the face of the ID at an angle.

Florida driver's licenses and ID cards utilize a hologram that depicts the seal of the State of Florida. This hologram can be observed using natural light reflected off the face of the card. It can also be examined in greater detail using a black light. Any hologram that uses the words "genuine", "official", "government issued", or anything other than the Florida seal is not legitimate.

The holder's name and the last digit in each group of numbers in the driver's license number appear in the lower third of the main photograph when viewed under black light. In addition, the name and this four-digit number can be viewed using natural light reflected at an angle off the front of the card.

The ID is encoded with microprint for security to prevent IDs from being printed using standard print capability. This microprint can be read using a 10-power magnifying glass. In fact, a magnifying glass of less magnification can also be used to determine the existence of the micro printing. Micro printing appears in the color seal that connects the photograph and the information panel on the front of the ID. Micro printing also appears as the rectangular lines surrounding "[www.flhsmv.gov](http://www.flhsmv.gov)" on the back of the card. The existence of the micro printing can easily be determined through the use of a standard household magnifying glass viewed under natural light, sufficient environmental light, or through the use of a flashlight.

4. What can happen to my license if I sell alcoholic beverages to a minor?

A. As with any administrative charge against an alcoholic beverage license, it can be revoked, suspended, or have a Civil Penalty placed against it. The Division will not tolerate repeated violations of sales of alcoholic beverages to minors.

It is also a criminal violation for which the seller may be arrested and compelled to appear in Court.

5. If a young couple enters a bar and the adult male buys two drinks and gives one to his girlfriend or wife, who is underage, is the bar in violation?

A. Yes. The licensee or employee has allowed a minor to possess alcoholic beverages in a licensed premises and the adult has subjected himself to possible criminal action for supplying alcoholic beverages to a person under lawful age. (562.11, F.S.)

6. How old must a person be to be in a licensed premises not drinking?

A. There is no State law governing this unless a premises has a dance hall license or allows dancing. In this case, the minimum age is 18 unless accompanied by parent or guardian. However, some local governments have ordinances concerning this so one should also check with them. (562.48, F.S.)

7. If a person under lawful age shows me an obviously falsified or altered identification, can I keep it?

A. No. Only a law enforcement officer can do this. You can, however, take the person's name and description to turnover to a Law Enforcement Officer.

May I be charged if I serve alcoholic beverages to a person under lawful age who shows me a false identification? Yes, however, the disposition of such a charge, if made, will depend on the person's appearance, dress, type and quality of ID shown and the type of crowd to which the bar caters. Each case is a separate investigation to ascertain if a licensee has used due diligence in checking.

If the drinker abandons the license, for example while you are calling the police, you possess the false ID long enough to provide it to a law enforcement agency or to the Florida Department of Highway Safety and Motor Vehicles. The Department may use your testimony and the abandoned drivers license to suspend or revoke the person's drivers license.

8. Am I liable for injury or damage resulting from intoxication if I sold the alcoholic beverages?

A. No, except whoever *willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age* or who *knowingly serves a person habitually addicted to the use of any or all alcoholic beverages* may become liable for injury or damage caused by or resulting from the intoxication of such minor or person. (768.125, F.S.).

You know that you and your business should not serve alcohol to underage patrons. In Florida it is also important that you not sell or serve alcohol to persons habitually addicted to alcohol and a violation of that law can lead to penalties against you and against your employer as selling to a minor and subject the business to civil lawsuits and judgments.

Few will disagree with the need to help alcoholics refrain from drinking. But does this *really* affect you and your business? The answer is yes. An estimated 90% of American adults drink alcohol and up to half of American men have problems which are caused by alcohol. Between 10% and 20% of men and between 3% and 10% of women either abuse or have become dependent on alcohol. These are your customers. There are somewhere between 700,000 and one million adults habitually addicted to alcohol in



Florida.

In Florida over 1,000 people die and over 17,000 people are injured in impaired driving cases. Many of these impaired drivers were involved in crashes after leaving beverage licensed premises. And many of these drivers were habitually addicted to alcohol. Do you see a connection?

The two statutes that prohibit service of alcohol to someone habitually addicted are F.S. FS 762.125 and 562.50. It is important for you to look at those statutes and understand how they impact your businesses and your job.

768.125 states -- A person who sells or furnishes alcoholic beverages to a person of lawful drinking age shall not thereby become liable for injury or damage caused by or resulting from the intoxication of such person, except that a person who willfully and unlawfully sells or furnishes alcoholic beverages to a person who is not of lawful drinking age or who knowingly serves a person habitually addicted to the use of any or all alcoholic beverages may become liable for injury or damages caused by or resulting from the intoxication of such minor or person.

Florida statute 562.50 states -- Any person who shall sell, give away, ... any alcoholic beverage, ... to any person habitually addicted to the use of any or all such intoxicating liquors, after having been given written notice by wife, husband, father, mother, sister, brother, child, or nearest relative that said person so addicted is an habitual drunkard and that the use of intoxicating drink or drinks is working an injury to the person using said liquors, or to the person giving said written notice, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Do people habitually addicted to alcohol patronize your business? – Yes. No business is immune.

Do these customers wear a sign that says “habitually addicted to alcohol”? No.

So how do you know and how do you avoid committing a violation of Florida Law by serving alcohol to a person habitually addicted to alcohol?

One way is to rely on written notice from a family member as outlined in FS 562.50. How many of you have ever put on notice by a family member? Not many.

You can also take notice of the actions and behaviors of your patrons. That is the key to responsible retailing of alcoholic beverages and what this training session is all about.

Question: How do you tell if someone is habitually addicted to alcohol? Do you look for a red nose? WC Fields had a red nose. But do all habitually addicted patrons look like WC Fields? The answer, of course, is no. People habitually addicted to alcohol do not look different from other patrons, but they  (act)  differently than other patrons. And that is what you should look for. Their actions.

How do you tell if a person is Habitually Addicted to alcohol? A Habitually Addicted person is someone who by their public actions and/or the individual owner and/or employee awareness or knowledge exhibits one or more of the following:

- A craving, a strong need, and/or a compulsion to drink often in spite of experiential problems or foreseeable harms.

- A loss of control in limiting the amount, frequency, and/or inappropriateness of alcohol consumption on any given occasion.
- Demonstration of tolerance to the effect of beverage alcohol that is unusual based on the person's gender, weight, and age and/or the actual or perceived need to drink greater amounts of alcohol in order to achieve the same level of intoxication.
- Physical dependence to the discontinuance of alcohol consumption and demonstration of withdrawal symptoms such as nausea, sweating, shakiness, and anxiety occur when alcohol use is stopped after a period of heavy drinking.

We know that habitual addiction is a chronic, progressive, and often fatal disease. It is a primary disorder and not a symptom of other diseases or emotional problems. The chemistry of alcohol allows it to affect nearly every type of cell in the body, including those in the central nervous system. After prolonged exposure to alcohol, the brain adapts to the changes alcohol makes and becomes dependent on it. The severity of this disease is influenced by factors such as genetics, psychology, culture, and response to physical pain.

Since we are keying in on the actions of your customers as an indication of habitual addiction, let's talk about "normal" drinking behaviors in your business.

- How many drinks do the majority of your guests have while visiting your establishment? (Ask for answers).
- Do you have guests who don't drink? Of course.
- Do you have guests who drink too much? I hope not, but you probably have.

When you have a guest who has had too much to drink, how do they act? (Ask for examples of when a customer has had too much). How did you tell they had too much? (Ask for examples). The actions and behaviors of your customers should provide you with keys to their intoxication level and guide your actions. You will rely on your experience in this assessment. You should also rely on training and good management practices to serve these customers in a responsible manner.

Let's talk about different factors to determine how alcohol affects your customers. Question: What are the variables that influence how alcohol affects people? (List these as attendees provide them)

Answers: Size (height / weight), gender, ethnicity, physical condition, what you eat, how much sleep you had, medications you are taking, emotions, and the actual alcohol content of the drink you have chosen.

Are these factors you can observe? Yes.

Let's look at a couple of these factors in greater detail:

#### The Characteristics of Alcoholic Beverage Drinks.

Are all drinks equal in their effects on the body? No.

Alcohol content in different drinks varies and sometimes making one drink twice as strong as another drink. All drinks are not created equal.

### Alcohol Content in Various Beverages:

Beverage	Percent Alcohol	Proof
Beer	4-6	8-12
Wine	7-15	14 - 30
Champagne	8-14	16-28
Distilled Sprits	40-95	80 - 190

On the basis of this information you can see that drinking equivalent amounts of beer, wine, champagne, or distilled spirits will provide greatly varying amounts of alcohol to the drinker.

So how much of each of the above would one have to drink to take in equivalent amounts of alcohol? The answer depends upon the exact alcohol content of each beverage, but on the average 12 ounces of beer is equivalent to 4-5 ounces of wine which is equivalent to 1.25 to 1.5 ounces of distilled spirits.

### Other Drink Considerations:

- Watery drinks such as beer are absorbed by the body more slowly.
- Foods (especially fatty foods) delay alcohol absorption by preventing it to make contact with the intestinal lining and enter the bloodstream. (But remember, it only delays absorption).
- Carbonated beverages, such as soda pop and coolers, speed up the emptying of the stomach into the small intestines, where alcohol is absorbed faster.
- The absorption rate of a drink depends on its strength. Alcohol is most rapidly absorbed when the concentration of the drink is between 10% and 30%. When the concentration is below 10%, its relatively low alcohol content slows down alcohol absorption by the body. The larger volume of non-alcohol fluids decreases stomach emptying.

### Behavioral Effects

Alcohol's action on the brain produces a number of behavioral effects. These effects are dependent upon the 1) Amount of alcohol taken in, 2) The time period over which the alcohol is drunk, 3) Food consumed with or before drinking, 4) Whether other drugs are being taken at the same time, 5) The previous drinking history of the individual, 6) The genetic background of the individual, 7) The mood and psychological makeup of the individual and 8) The environment when alcohol is consumed.

#### 1. Amount of alcohol consumed:

- Generally small amounts of alcohol with a BAC = 0.03 - 0.12 produce lowered inhibitions, feelings of relaxation, more self confidence, diminished judgment, reduced attention span, and slight incoordination.
- BAC's of 0.09 to 0.25 induce less coordination, slower reaction times, loss of balance, blurred vision, exaggerated motions, difficulty in remembering.
- Higher BACs up to 0.3 result in confusion, dizziness, slurred speech, severe intoxication, alterations in mood including withdrawal, aggression, or increased affection, and diminished ability to feel pain.
- Even higher BACs, to 0.4, can result in stupor, being incapacitated, having loss of feeling, being difficult to arouse, and lapses in and out of consciousness.
- Finally, as the blood level approaches 0.50 the person may die due to a variety of physiological complications such as diminished reflexes, slower heart rate, lower respiration, and decreased body temperature.

2. Time over which the alcohol is consumed: Drinking quickly results in more alcohol in the stomach and small intestine which results in greater absorption into the blood stream. If alcohol is taken in faster than it is metabolized (1/3 oz. to 1/4 oz. per hour in an average person), the BAC continues to rise. Is time important in observing changes in behavior? Yes.

- The peak blood alcohol concentration for a fasting person occurs between ½ and two hours after drinking.
- The peak blood alcohol concentration for a non fasting person occurs between one and as much as six hours. Food in the stomach prolongs the time before alcohol intoxication occurs.

3. Food: Food in the stomach will compete with the alcohol for absorption into the bloodstream and will slow the uptake of alcohol.

4. Use of other drugs with alcohol: The use of other drugs with alcohol can result in increased effects of the alcohol. This can occur by enhancing the absorption and distribution of alcohol, action on the same chemical systems in the brain as alcohol, and/or slowing the metabolism of alcohol through competition at the liver for processing the substances.

5. Previous drinking history: The guest's drinking history is influential in determining the effects of current alcohol consumption. Often times, dependent upon the amount and timing of prior alcohol consumption, the person will develop a tolerance. Tolerance to alcohol can be loosely defined as needing more and more alcohol to produce the same effect. Therefore, a person who has developed tolerance will need more alcohol to produce some of the same effects. In addition to tolerance, it is probably that after heavy long-term drinking, damage has been done to the brain and to the liver.

6. Age: Drinkers 50 and older may be at significant risk of habitual addiction. Older drinkers undergo a decrease in their ability to metabolize alcohol which means that drinkers consuming the same amount they used to drink can become much more impaired. High rates of alcohol abuse symptoms are found among clinical samples of older adults admitted to hospitals, psychiatric facilities, and emergency rooms. Alcohol abuse can lead to increased risks for hip fracture, alcohol-related traffic accidents, adverse interactions with medications, and risk for depression. Habituation may occur because older drinkers are retired and drink more often than when they were working, may use alcohol to self-medicate to overcome medical issues or depression, or may use alcohol in conjunction with medications creating a synergistic effect. The U.S. population is aging and because the number of older adults with substance abuse problems is expected to grow, alcoholic beverage retailers need to alert to patrons age 50 or older demonstrating behaviors described in this document.

7. Genetic background: The genetic background of an individual is important in the way individuals respond to alcohol. For example, the Asian population carries modifications of enzymes responsible for the metabolism of alcohol. This may cause facial flushing and they may become sick after drinking. Women are generally more responsive than men to the same amount of alcohol because of differences in metabolism and differences in the amount of body water.

8. Mood and psychological makeup: Use of alcohol tends to intensify the mood of the user. If you are sad, alcohol will tend to make you sadder. If you are happy, alcohol may make you happier. The psychologically make-up of an individual becomes important since alcohol may diminish some controls, which keep the person functioning well under usual circumstances. Loss of those controls may lead to difficulties such as aggression and other unwanted behaviors.

9. Environment: The environment in which a person drinks is an important determinant of the effects of alcohol. For example drinking at a festive party will often cause the person to become more festive. In contrast, drinking at sad occasions would result in more sadness.

How much alcohol can people drink - safely? And consuming alcohol safely is the key to responsible retailing.

### BAC Chart for Men

Approximate Blood Alcohol Percentage  
Body Weight in Pounds

Drinks	100	120	140	160	180	200	220	240	
1	.04	.03	.03	.02	.02	.02	.02	.02	Driving Skills
2	.08	.06	.05	.05	.04	.04	.03	.03	Significantly Affected
3	.11	.09	.08	.07	.06	.06	.05	.05	
4	.15	.12	.11	.09	.08	.08	.07	.06	
5	.19	.16	.13	.12	.11	.09	.09	.08	Criminal Penalties
6	.23	.19	.16	.14	.13	.11	.10	.09	For DUI
7	.26	.22	.19	.16	.15	.13	.12	.11	
8	.30	.25	.21	.19	.17	.15	.14	.13	
9	.34	.28	.24	.21	.19	.17	.15	.14	Possible Death
10	.38	.31	.27	.23	.21	.19	.17	.16	

Subtract .01% for each 40 minutes of drinking.

One drink = 1.25oz of 80 proof liquor, 12 oz. of beer, or 5 oz. of non-fortified wine.

### BAC Chart for Women

Approximate Blood Alcohol Percentage  
Body Weight in Pounds

Drinks	90	100	120	140	160	180	200	220	240	
1	.05	.05	.04	.03	.03	.03	.02	.02	.02	Driving Skills
2	.10	.09	.08	.07	.06	.05	.05	.04	.04	Significantly Affected
3	.15	.14	.11	.10	.09	.08	.07	.06	.06	
4	.20	.18	.15	.13	.11	.10	.09	.08	.08	
5	.25	.23	.19	.16	.14	.13	.11	.10	.09	Criminal Penalties
6	.30	.27	.23	.19	.17	.15	.14	.12	.11	For DUI
7	.35	.32	.27	.23	.20	.18	.16	.14	.13	
8	.40	.36	.30	.26	.23	.20	.18	.17	.15	
9	.45	.41	.34	.29	.26	.23	.20	.19	.17	Possible Death
10	.51	.45	.38	.32	.28	.25	.23	.21	.19	

Subtract .01% for each 40 minutes of drinking.

One drink = 1.25oz of 80 proof liquor, 12 oz. of beer, or 5 oz. of non-fortified wine.

Is gender important in observing alcohol behaviors?

You can see from the chart that women become more intoxicated with lower amounts of alcohol. Why do you think this is? Women are generally more responsive than men to the same amount of alcohol because of differences in metabolism and differences in the amount of body water. In general women are affected faster and more significantly by alcohol. Because men have a naturally larger blood volume and bodily water concentration due to their larger size, it takes them longer to get drunk

with the same amount of alcohol than it does for a woman.

Lean vs. Fat?

Are fat and thin drinkers affected the same? No. Increased fat content in the drinker indicates less water in the body systems, which causes faster alcohol intoxication since there is less water for alcohol to dissolve in.

How do different BAC levels affect your customers?

BAC 0.01- .05:

Behavior nearly normal by ordinary observation.

BAC 0.03 –0.12:

Mild feeling of happiness and ease (euphoria), sociability, talkativeness.  
Increased self confidence; decreased inhibitions.  
Reduced attention, judgment, and control.  
Reduced coordination. Can't perform fine task as well.

BAC 0.08:

Legally drunk.

BAC 0.09 –0.25:

Emotionally instability; lost of critical judgment.  
Impairment of perception, memory and comprehension.  
Decreased senses; prolong to reaction times  
Reduced visually acuity: peripheral vision and glare recovery.  
Impaired balance and drowsiness.

BAC 0.18 –0.30

Disorientation, mental confusion: dizziness.  
Exaggerated emotional states.  
Vision problems.  
Increased pain tolerance.  
Increased muscular (motor) in coordination; staggering gate; slurred speech.

BAC 0.25 –0.40

Nearly total losses of motor functions.  
Markedly reduced response to stimuli.  
Marked muscular in coordination; inability to stand or walk.  
Vomiting; incontinence of urine and stool.  
Decreased consciousness; sleep or stupor.

BAC 0.35 –0.50

Complete unconsciousness and depressed or absent reflexes.  
Impairment of circulation and respiration and low body temperature.  
Incontinence and possible death.

BAC 0.45 +

Death from breathing arrest.

What is your responsibility under your employer's policy: to keep people from getting intoxicated or to deal with them after they are intoxicated?

Alcohol's direct action on the brain is as a depressant. It generally decreases the activity of the nervous system. One could ask how it could be a depressant if after one or two drinks a person tends to talk more and become more active. The answer is that alcohol can cause a reduction of a person's inhibition, e.g., it causes a reduction in the normal social inhibitions we utilize every day.

Going back to our earlier definition, there are four elements associated habitual addiction.

- A craving, a strong need, and/or a compulsion to drink often in spite of experiential problems or foreseeable harms.
- A loss of control in limiting the amount, frequency, and/or inappropriateness of alcohol consumption on any given occasion.
- Demonstration of tolerance to the effect of beverage alcohol that is unusual based on the person's gender, weight, and age and/or the actual or perceived need to drink greater amounts of alcohol in order to achieve the same level of intoxication.
- Physical dependence to the discontinuance of alcohol consumption and demonstration of withdrawal symptoms such as nausea, sweating, shakiness, and anxiety occur when alcohol use is stopped after a period of heavy drinking.

Lets address tolerance specifically at this point because it is an important consideration in determining if a patron is habitually addicted to alcohol. Many habitually addicted drinkers don't appear as drunk as someone with lower tolerance, even when they're drinking more and more. High tolerance to alcohol may allow a drinker to mask some behaviors controlled by the central nervous system (such as gross motor skills like walking and talking). But behaviors controlled by the autonomous nervous system (facial flushing, confusion, flushing face, watery eyes, red eyes, sweating, and fight and flight responses) can not be masked and can serve as an indicator of intoxication.

Let's go back to the chart of behaviors;

What if a female at 130 lbs. drinks two drinks in an hour? What behavior would you expect? What about 4 drinks in an hour? Now, what if she visited your business once or twice a week and drank and exhibited these behaviors every time she comes in? What would that indicate to you? (Craving, loss of control in drinking).

What about a 190 lbs. male who drinks 14 drink units in two hours? What behaviors would you expect? What would you think if this person was walking around as though he had not been

drinking? (Tolerance).

Do you know of people “who can hold their liquor”? Have you served guests who seemed to have a wooden leg? How does someone get that way? (Develop tolerance)

Of these four elements of habitual addiction we discussed previously, servers and licensees generally have the opportunity to observe *craving*, *loss of control*, and *tolerance*.

How do you apply this knowledge and information to the responsible service of alcohol in your establishment?

Let’s start by doing a little reflection on your “typical” customer. Why do people come to your establishment? Food? Entertainment? Atmosphere? Friends? To get drunk? If the later is why people come to your establishment, you are already in serious trouble. Coming to your establishment to get drunk certainly is out of the norm for your business and your customers.

Let’s go back to one of the first things we mentioned. What are beverage retailer’s responsibilities?

- 1) Not allow any violation of law on the licensed premises
- 2) And in particular:
  - Not serve an underage person
  - Not serve someone habitually addicted to alcohol.

And lets consider again, how do you identify someone habitually addicted to alcohol? You observe their drinking patters and their behavior and compare that to the norm. You consider your guest’s *tolerance* to alcohol, you observe their *craving* or *compulsion*, and you determine if they have a *loss of control* over their drinking. Your job is to make sure your customer is not habitually addicted to alcohol because service to someone habitually addicted to alcohol is illegal. This is not something you can choose to do or not do. It is an obligation of the profession you have chosen.

Question: Do you make these assessments before someone gets intoxicated? Yes. After they start shows signs of impairment, it is too late to prevent the violation of law.

But how do you determine if someone has developed a tolerance to alcohol and is able to mask some of the outward signs of intoxication? You monitor their drinking activities, not their behavior. Remember, waiting until there are changes in behavior is too late to prevent impairment.

So if you see someone ordering and consuming drink after drink. Is this outside the norm? Is this something you should be watching? Yes, of course.

Do you monitor the number of drinks consumed and the time they were consumed? Yes.

Do you take into account the strength of the drink? Absolutely. And do you consider the other factors we have discussed such as gender and weight. You must.

Your business should consider implementing an alcohol service policy which sets the number of drinks that can be served to a customer per hour. Two drinks per hour certainly is a reasonable policy to have.

Does consumption of more alcohol than two drinks an hour tell you absolutely that this person is habitually addicted to alcohol? Probably not, although depending on the amount consumed, you should be



engaging your restaurant or bar manager in intervention strategies. But if that guest engages in this behavior *each and every time they come in*, there is a good chance the Judge and Jury will find that you should have recognized this as behavior consistent with someone habitually addicted to alcohol and hold you and the business responsible for serving that guest.

It is clear if someone comes in to your business on several occasions and exhibits “problem drinking” behaviors (craving, compulsion, loss of control, tolerance, or physical dependence) you can be construed to be on notice that the person is habitually addicted to alcohol. But what about a one time drinking occurrence? Can you be held responsible for serving someone habitually addicted to alcohol, since they don’t carry a card identifying them as such? The answer is clearly yes. Let me explain.

We have to go back to those behavior charts, your experience, and the norms in your business. We talked earlier about the 190 lbs. male who drank 14 drink units in two hours? What behaviors would you expect? What would you think if this person was walking around as though he had not been drinking? That shows behaviors outside the norm – far outside the norm. This indicates the drinker has developed what? Tolerance. And in this case the jury asked: “why did a highly trained and experienced server not recognize this behavior?”

Again, what is the best way to serve your guests: monitoring drinking activities, or looking for their intoxicated behaviors? In this case had the server monitored drinking activities two things would have happened. 1) The server would have clearly made the connection between the number of drinks served, the drinker’s individual traits, and his behaviors resulting in the recognition that he was habitually addicted to alcohol. And 2) the guest would not have had the opportunity to become impaired. In this case the server’s recognition of the guest’s high level of tolerance should have caused them to cut the guest off and intervened in the guest’s driving .... and the person he ran into would still be alive. Remember, if someone is starting to demonstrate intoxication behaviors, it is probably too late to intervene by reducing the number of drinks served.

Servers will often say that they do not have the time to observe and keep track of the behaviors of their guests. It is a matter of priority. A beverage retailer has an obligation to provide a sufficient number of trained, competent, and sober employees to prevent violations of law from occurring on the premises, including preventing the sale and service of alcohol to persons habitually addicted to alcohol. And servers must take the position that in addition to providing world class hospitality, they also have to protect the guest and the public from harm by paying attention to their guests and all the factors impacting responsible and safe service of alcohol.

## **MOONSHINE, NON-TAX PAID BEER AND WHISKEY**

1. May I legally manufacture wine or beer for my own use?

A. Any adult, 21 years or older, may make no more than 100 gallons per calendar year if there is only one adult in the household. He may make an amount not in excess of 200 gallons per calendar year if there are two or more adults in the household. Any wine or beer so produced must be for personal or family use and not for sale. Wine or beer so produced may be entered in exhibitions or competitions such as homemaker contests, tastings or judging but must not be offered for sale. (562.165, F.S.)

2. What should I do if I find a moonshine still or hear about one?

A. Contact your nearest law enforcement office.

3. Is moonshine whiskey really dangerous to drink?

A. Yes. Moonshine frequently contains lead salts. 1/25,000<sup>th</sup> of an ounce of these salts can be fatal. These salts are colorless and tasteless.

4. May I purchase beer in another state and bring it into Florida with me?

A. Yes, if it does not exceed one (1) gallon and is for your personal consumption. (562.15, F.S. and 562.02, F.S.). It cannot be used at your license premises.

5. May I buy cigarettes out of the state and bring them back to Florida?

A. You may legally bring three (3) cartons or less for your own consumption. (210.18, F.S.) You may not store such cigarettes on a premises that sells cigarettes.

6. Are mail order cigarettes from North Carolina a good bargain?

A. No. All cigarette mail order houses are required to report each sale in the state of Florida monthly. (Federal-Jenkins Act) The tax of 24 cents per pack is collected from the consumer. (210.02(6), F.S.)

7. Do all cigarettes sold in Florida require stamps?

A. All cigarettes sold or offered for sale require a Florida Tax Stamp affixed. (210.06, F.S.) The only exceptions to this are military installations, including Veterans Hospitals and Federal Institutions. (210.04, F.S.)

8. Am I required to have a cigarette permit to sell at retail?

A. Yes. A retail tobacco permit may be obtained from the Florida Division of Alcoholic Beverages and Tobacco.

9. Am I required to maintain my purchase invoices on cigarettes bought from licensed wholesalers?

A. Yes, for a period of three (3) years. (210.09(3), F.S.)

10. I am retired from military service and have purchased cigarettes at a military installation. Since then I have quit smoking. May I sell these cigarettes at my place of business?

A. No. These cigarettes were sold to the military as tax-exempt and the tax indicia is not on the bottom of the cigarettes. You must purchase your cigarettes from a licensed wholesaler only before they may be sold at your place of business. (210.04 and 210.15(1)(h), F.S.)

11. I make trips to North Carolina frequently. May I purchase directly from the manufacturer and sell them at my place of business in Florida?

A. No. you must purchase for resale only from a licensed Florida cigarette wholesaler. He has prepaid the state tax and placed the required State tax indicia on the package. 210.15, F.S.)

12. If I transport more than three (3) cartons of cigarettes for my personal use, what do I stand to lose?

A. In addition to the criminal fines and/or jail sentences, the cigarettes and your vehicle may be seized and disposed of by law. You will also be liable for applicable taxes and penalties.

13. I sell cigarettes at retail. If I run out of a brand or size cigarette, may I purchase a couple of cartons from another retailer?

A. No. Florida law says that cigarettes may be purchased for retail purposes only from a person holding a wholesale dealer permit.(210.15(1)(h), F.S.)

## **INFORMATION FOR HOLDERS OF VARIOUS ALCOHOLIC BEVERAGE LICENSES**

In an effort to help you understand the requirements for the operation of your business, the OCRRI has provided the following information applicable to the various types of alcoholic beverage licenses issued by the State of Florida.

### **OFF-PREMISES**

#### **General Information Pertaining to Off-Premises (to go) Beverage Licensed Premises**

THESE STATEMENTS APPLY TO ALL PACKAGE SALES (TO-GO) ALCOHOLIC BEVERAGE LICENSES.

It is unlawful to possess, or allow anyone else to possess on your licensed premises, any alcoholic beverage you are not licensed to sell. (562.02 F.S.)

All alcoholic beverage vendor licenses issued Orange County shall be issued licenses that expire on September 30<sup>th</sup> with subsequent renewal each year.

You may sell alcoholic beverages only on the premises as shown on the premises as shown on the application for your license. (562.06, F.S. and 561.01(11),

You may not employ any person under 18 years of age to work in any capacity at your licensed premises except as provided by law. Exceptions are: (562.13, F.S.)

State law allows sale of alcoholic beverages from 7:00 am to 12:00 midnight, seven (7) days a week. These hours of sale may be changed local regulations, in which event they are then governed and forced by the incorporated municipalities or county which established those hours. (562.14, F.S.).

It is unlawful to sell, serve, and permit others to serve or permit persons under the age of 21 years to possess or consume alcoholic beverages on your licensed premises. (562.11, 562.11(1.), 562.11(3), F.S.)

Law enforcement officers shall have access to and shall have the right to inspect the premises and examine the books and records of your licensed business during normal business hours. (561.07, F.S.)

Any AB&T Special Agent or Inspector, Police Officer or Sheriff's Deputy may inspect your license premises during business hours or at any other time such premises is occupied by the licensee or other

person(s). (562.41(5), F.S.)

You must retain on your licensed premises invoices or sales tickets for alcoholic beverage purchases as part of your accounting records for a period of three (3) years from date of issue.

You must keep and maintain a record of each purchase of cigarettes for resale. Such records shall include date, quantity by brand and name and address of person from whom purchased. Such records shall be retained at least three (3) years from date of purchase. (210.09(3), F.S.)

You may not purchase or acquire in any manner for the purpose of resale, cigarettes, except from a licensed wholesaler. (210.15(1)(h), F.S.)

Any person, firm or corporation, before acquiring an interest in a business holding a beverage license must be approved by the Division of Alcoholic Beverages and Tobacco and meet the requirements of law. This includes any person who has a security interest or anyone who has a right to a percentage payment from the proceeds of the business, either by lease or otherwise. All must meet the same qualifications required of a licensee. (561.17, F.S.)

The transfer of 10% or more of the financial interest, a change of executive officers or directors or a divestiture or resignation of such interest or position in a business holding a liquor license of any type in Florida will be contingent upon the express approval by the Division of the persons holding or acquiring such interest or position. It is the intent of this law that interested persons be held accountable for their actions and that any method of shifting responsibility to someone else be denied. (561.17(3), F.S.)

You may not purchase or acquire in any manner for the purpose of resale, any alcoholic beverages from any person not licensed as a distributor under the beverage law, except as a member of a pool buying group with the order placed by the buying agent and as part of a single transaction. (561.14, F.S.)

It is unlawful to import or engage in the importation of any alcoholic beverages from places beyond the limits of this state. (561.14(3), F.S.)

You may not employ any employee of the Division of Alcoholic Beverages and Tobacco to work under any circumstances nor may you employ any other person who has been granted police powers by the Legislature, City, County or State, in any capacity. However, some City, County and State Officers may, in some instances, be employed as an entertainer or to render security services when written approval from the Chief of Police, Sheriff or other appropriate department head has been obtained. (561.25, F.S. and Division Policy)

Should your business be placed on the No Sale Delinquent List as a result of nonpayment of alcoholic beverage wholesale purchases within the time required by law, you will be prohibited from purchasing or otherwise acquiring alcoholic beverages from any source until the delinquent accounts have been paid. (561.42, F.S.)

It is unlawful to display any sign advertising any brand of alcoholic beverage on the outside of your licensed premises or on any lot or ground on which the licensed premises is situated, or on any building of which the licensed premises is a part. (561.42(10), F.S.)

You may possess, purchase, sell, serve, distribute and store only those alcoholic beverages on which the excise tax assessed by law has been paid. (562.01, F.S.)

You may store and keep alcoholic beverages intended for resale only on your licensed premises, provided

that should you need additional storage space, the DABT office may issue an Off-Premises Storage Permit at a location approved by the Division. No sales may be made from such storage area. (562.03, F.S.)

You may not have within your licensed premises any coin operated machine or any other device which, when used, constitutes gambling. (Chapter 849, F.S.).

All business conducted on the licensed premises under the Beverage Law shall be managed and controlled at all times by the licensee or managed by his authorized employee. The term "employee" as used herein, shall mean a person who receives a salary or wages for services performed, for and in behalf of the licensee, under the exclusive control and direction of the licensee. Any management agreement, written or oral, worded in any manner that tends to relieve the licensee of any authority or responsibility under law, or relieves him of legal entitlement to any incomes from the business, is a violation of law.

Any agreement between vendors to "Pool Buy" shall be in writing, filed with and approved by the Division of Alcoholic beverages and Tobacco, and shall designate one of the vendors as the agent of the Pool group.

Except in bona fide dinner theaters, you may not employ professional entertainers under the age of 17 years. (562.13(2), F.S.)

Credit for the sale of alcoholic beverages by distributors may be extended to any vendor up to but not including the 10th day after the calendar week within which such sale was made. (561.42, F.S.)

The giving of chances on gifts with the purchase of alcoholic beverages will be considered a lottery, therefore, a violation of Florida law.

Any business licensed by this Division must maintain compliance with applicable fire safety laws relating to the operation of that business. (561.29, F.S.)

The Division may revoke any beverage license when it has been abandoned after written notice that charges have been or will be brought against the license. (561.15(3), F.S.)

The Division will not accept for cancellation any beverage license after a local Division Office has issued a citation against that license until the provisions of the citation have been satisfied or the case against the licensee has been closed. (561.32, F.S.)

The Division may revoke any beverage license held by any person, firm or corporation, which would not qualify for the issuance of a new license or the transfer of an existing license. (561.15(3), F.S.)

The Division will hold up the transfer of any license when it is found that the licensee has been notified in writing that charges have been or will be filed against the license. (561.32, F.S.)

Any corporation holding a beverage license who changes officers must submit to the Division of Alcoholic Beverages and Tobacco, within 10 days of such change, a proper and complete application reporting such change. any new officer must submit himself to the Division for fingerprinting within 10 days after being elected.

You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict with the Florida law. (561.33, F.S.)

You may deliver alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic Beverages and Tobacco (561.57, F.S.). Local regulations may restrict your delivery privileges.

Should you decide to sell your business, you may not allow the buyer to operate the business until such time as he has secured the proper transfer of the license to the name of the new owner or secured a temporary license in accordance with the law. You will be held accountable for all violations of law and rule so long as your name is on the license.

Should the transfer application be denied, the temporary license is simultaneously cancelled. No extensions are permitted. (561.33, F.S.)

For any corporation holding a beverage license, any initial issuance or subsequent transfer of actual control or effective legal control of the voting stock of a corporate licensee shall require the filing of a sworn declaration as to the actual control or effective legal control of the corporation.

It is unlawful to open or allow others to open or consume alcoholic beverages on your licensed premises. (562.12, F.S.)

## **1-APS**

**The statements listed below apply to the holder of a Series 1-APS beverage license, permitting sale of BEER BY PACKAGE ONLY.**

You may sell malt beverages (beer) only for consumption off your licensed premises. (562.12 and 563.02(1)(a), F.S.)

## **2 - APS**

**The statements listed below apply to the holder of a Series 2-APS beverage license, permitting sale of BEER AND WINE BY PACKAGE ONLY.**

1. You may sell malt and vinous (beer and wine) beverages only for consumption off your licensed premises. (562.12 and 564.02(1)(a), F.S.).
2. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)

## **3 -PS**

**The statements listed below apply to the holder of a Series 3-PS beverage license, permitting sale of BEER, WINE, and Liquor BY PACKAGE ONLY.**

The statements listed below apply to the holder of a QUOTA LIQUOR LICENSE, permitting the sale of BEER, WINE AND LIQUOR BY PACKAGE ONLY.

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict with Florida's quota law. (561.33, F.S.)
2. You may sell beer, wine and liquor only in containers sealed by the manufacturer for consumption off your licensed premises. (565.02, F.S.)
3. Your licensed premises shall have no openings permitting access to any other building or room except to a private office, rest room or store room of the place of business from which patrons are excluded. (565.04, F.S.)
4. You may not sell, display or offer for sale, any merchandise other than alcoholic beverages, bitters, grenadine, nonalcoholic mixer type beverages, (not to include fruit juices produced in Florida, home bar and party supplies and equipment, including glassware and party type foods and tobacco products. (565.04, F.S.)
5. The holder of a package liquor license may increase the series of his license to include bar or lounge privileges by, meeting all the requirements of the consumption on premises license and paying the difference in license fees, subject to approval of the Director of the Division of Alcoholic Beverages and Tobacco.
6. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)
7. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public or legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)
8. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to an directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## **ON – PREMISES**

### **General Information Pertaining to On-Premises Beverage Licensed Premises**

ALL STATEMENTS ON THIS PAGE APPLY TO ALL ON PREMISES ALCOHOLIC BEVERAGE LICENSES

It is unlawful to possess, or allow anyone else to possess on your licensed premises, any alcoholic beverage you are not licensed to sell. (562.02 F.S.)

You may not employ any person under 18 years of age to work in any capacity at your licensed premises except as provided by law. Exceptions are: (562.13, F.S.)

State law allows sale of alcoholic beverages from 7:00 am to 12:00 midnight, seven (7) days a week. These hours of sale may be changed local regulations, in which event they are then governed and forced

by the incorporated municipalities or county which established those hours. (562.14, F.S.).

It is unlawful to sell, serve, and permit others to serve or permit persons under the age of 21 years to possess or consume alcoholic beverages on your licensed premises. (562.11, 562.11(1.), 562.11(3), F.S.)

Law enforcement officers shall have access to and shall have the right to inspect the premises and examine the books and records of your licensed business during normal business hours. (561.07, F.S.)

Any AB&T Special Agent or Inspector, Police Officer or Sheriff's Deputy may inspect your license premises during business hours or at any other time such premises is occupied by the licensee or other person(s). (562.41(5), F.S.)

You must retain on your licensed premises invoices or sales tickets for alcoholic beverage purchases as part of your accounting records for a period of three (3) years from date of issue.

You must keep and maintain a record of each purchase of cigarettes for resale. Such records shall include date, quantity by brand and name and address of person from whom purchased. Such records shall be retained at least three (3) years from date of purchase.

You may not purchase or acquire in any manner for the purpose of resale, cigarettes, except from a licensed wholesaler. (210.15(1)(h), F.S.)

Any person, firm or corporation, before acquiring an interest in a business holding a beverage license must be approved by the Division of Alcoholic Beverages and Tobacco and meet the requirements of law. This includes any person who has a security interest or anyone who has a right to a percentage payment from the proceeds of the business, either by lease or otherwise. All must meet the same qualifications required of a licensee. (561.17, F.S.)

The transfer of 10% or more of the financial interest, a change of executive officers or directors or a divestiture or resignation of such interest or position in a business holding a liquor license of any type in Florida will be contingent upon the express approval by the Division of the persons holding or acquiring such interest or position. It is the intent of this law that interested persons be held accountable for their actions and that any method of shifting responsibility to someone else be denied. (561.17(3), F.S.)

You may not purchase or acquire in any manner for the purpose of resale, any alcoholic beverages from any person not licensed as a distributor under the beverage law, except as a member of a pool buying group with the order placed by the buying agent and as part of a single transaction. (561.14, F.S.)

It is unlawful to import or engage in the importation of any alcoholic beverages from places beyond the limits of this state. (561.14(3), F.S.)

You may not employ any employee of the Division of Alcoholic Beverages and Tobacco to work under any circumstances nor may you employ any other person who has been granted police powers by the Legislature, City, County or State, in any capacity. However, some City, County and State Officers may, in some instances, be employed as an entertainer or to render security services when written approval from the Chief of Police, Sheriff or other appropriate department head has been obtained. (561.25, F.S. and Division Policy)

Should your business be placed on the No Sale Delinquent List as a result of nonpayment of alcoholic beverage wholesale purchases within the time required by law, you will be prohibited from purchasing or otherwise acquiring alcoholic beverages from any source until the delinquent accounts have been paid.



(561.42, F.S.)

It is unlawful to display any sign advertising any brand of alcoholic beverage on the outside of your licensed premises or on any lot or ground on which the licensed premises is situated, or on any building of which the licensed premises is a part. (561.42(10), F.S.)

You may possess, purchase, sell, serve, distribute and store only those alcoholic beverages on which the excise tax assessed by law has been paid. (562.01, F.S.)

You may store and keep alcoholic beverages intended for resale only on your licensed premises, provided that should you need additional storage space, the AB&T office may issue an Off-Premises Storage Permit at a location approved by the Division. No sales may be made from such storage area. (562.03, F.S.)

You may not have within your licensed premises any coin operated machine or any other device which, when used, constitutes gambling. (Chapter 849, F.S.)

All business conducted on the licensed premises under the Beverage Law shall be managed and controlled at all times by the licensee or managed by his authorized employee. The term "employee" as used herein, shall mean a person who receives a salary or wages for services performed, for and in behalf of the licensee, under the exclusive control and direction of the licensee. Any management agreement, written or oral, worded in any manner that tends to relieve the licensee of any authority or responsibility under law, or relieves him of legal entitlement to any incomes from the business, is a violation.

Any agreement between vendors to "Pool Buy" shall be in writing, filed with and approved by the Division of Alcoholic beverages and Tobacco, and shall designate one of the vendors as the agent of the Pool group.

Except in bona fide dinner theaters, you may not employ professional entertainers under the age of 17 years. (562.13(2), F.S.)

Credit for the sale of alcoholic beverages by distributors may be extended to any vendor up to but not including the 10th day after the calendar week within which such sale was made. (561.42, F.S.)

The giving of chances on gifts with the purchase of alcoholic beverages will be considered a lottery, therefore, a violation of Florida law.

Any business licensed by this Division must maintain compliance with applicable fire safety laws relating to the operation of that business. (561.29, F.S.)

The Division may revoke any beverage license when it has been abandoned after written notice that charges have been or will be brought against the license. (561.15(3), F.S.)

The Division will not accept for cancellation any beverage license after a local Division Office has issued a citation against that license until the provisions of the citation have been satisfied or the case against the licensee has been closed. (561.32, F.S.)

The Division may revoke any beverage license held by any person, firm or corporation, which would not qualify for the issuance of a new license or the transfer of an existing license. (561.15(3), F.S.)

The Division will hold up the transfer of any license when it is found that the licensee has been notified in

writing that charges have been or will be filed against the license. (561.32, F.S.)

Any corporation holding a beverage license who changes officers must submit to the Division of Alcoholic Beverages and Tobacco, within 10 days of such change, a proper and complete application reporting such change. any new officer must submit himself to the Division for fingerprinting within 10 days after being elected.

You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict with the Florida law. (561.33, F.S.)

You may deliver alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic Beverages and Tobacco. (561.57, F.S. and 7A-3.27, F.A.C.) Local regulations may restrict your delivery privileges.

Should you decide to sell your business, you may not allow the buyer to operate the business until such time as he has secured the proper transfer of the license to the name of the new owner or secured a temporary license in accordance with the law. You will be held accountable for all violations of law and rule so long as your name is on the license.

Should the transfer application be denied, the temporary license is simultaneously cancelled. No extensions are permitted. (561.33, F.S.)

For any corporation holding a beverage license, any initial issuance or subsequent transfer of actual control or effective legal control of the voting stock of a corporate licensee shall require the filing of a sworn declaration as to the actual control or effective legal control of the corporation.

If you operate a dance hall in connection with your licensed alcoholic beverage business, you may not allow persons under 18 years of age to patronize, visit or loiter in your place of business unless accompanied by parent or legal guardian. (562.48, F.S)

Your licensed place of business must meet all of the sanitary requirements of this State. (561.17(2) and 561.29 (1)(d), F.S.)

You must not permit anyone to beg or solicit another person for a drink while on your licensed premises. (562.131, F.S.)

Each and every tap or spigot through which draft beer is served shall, on the handle of such tap or spigot, in plain view of the consuming public, display the name of the beer being presently served through such tap or spigot. (563.03, F.S.)

## 1-COP

**The statements listed below apply to the holder of a Series 1-COP beverage license, permitting the sale of BEER ONLY FOR CONSUMPTION ON PREMISES AND BY PACKAGE.**

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict

with Florida law. (561.33, F.S.)

2. You may deliver sealed alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises.

## 2-COP

**All statements listed below apply to the holder of a Series 2-COP beverage license, permitting the sale of BEER AND WINE ONLY, FOR CONSUMPTION ON THE PREMISES AND BY PACKAGE.**

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meet local requirements and does not conflict with Florida law. (561.33, F.S.)

2. You may deliver sealed alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic Beverages and Tobacco. (561.57, F.S.)

3. Each and every container of more than one (1) gallon which contains wine being sold or served, shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container.

4. A distributor of wine in this state may furnish, give, rent, loan or sell to a wine vendor and the wine vendor may accept alcoholic beverage lists commonly known as "wine lists" without being in violation of the Tied House Evil law. (564.07, F.S.)

5. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.).

## Quota License 4, 5, 6, 7, or 8 - COP

**A 4, 5, 6, 7, or 8 COP Quota License is a particular type of alcoholic beverage license that authorizes the licensee to sell beer, wine, and/or liquor without the need to have hotels rooms, restaurant seats, bowling lanes or any of the other requirements of the 4 COP Special license. A 4 COP Quota license have value in that they must be purchased from a holder of the license or issued by the state by public drawing when the population in the county increases.**

**The designation of 4, 5, 6, 7, or 8 indicates a classification based on the population of the county and simply applies to the annual fee for the license. For simplicity all 4, 5, 6, 7, or 8 COP license (quota and specials) will be referred to as 4 COP licenses.**

**The statements listed below apply to the holder of a QUOTA LIQUOR LICENSE, permitting the sale of BEER, WINE AND LIQUOR FOR CONSUMPTION ON THE PREMISES AND BY PACKAGE.**

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict

with Florida's quota law. (561.33, F.S.)

2. You may deliver sealed alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic Beverages and Tobacco.

3. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container.

4. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO."(562.452 and 562.453, F.S.)

5. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)

6. You may sell beer, wine and liquor for consumption on your premises or in sealed containers to go. (565.045 and 565.02, F.S ). This includes growlers which are "sealed" under the law with the placement of a top.

7. You must provide seats for the use of your customers. (565.045, F.S.)

8. It is unlawful to sell at your licensed place of business anything other than the beverages permitted, home bar and party supplies and equipment, including glassware and party type foods, cigarettes and what is customarily sold in a restaurant. (565.045, F.S.)

9. The transfer of 10% or more of the financial interest, a change of executive officers or directors or a divestiture or resignation of such interest or position, in a business holding a liquor license of any type in Florida will be contingent upon the express approval by the Division of the persons holding or acquiring such interest or position. It is the intent of this law that interested persons be held accountable for their actions and that any method of shifting responsibility to someone else be denied. (561.17(3), F.S.)

10. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the tied House Evil law. (565.16, F.S.)

11. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age.

The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)

12. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## 4-COP S (Hotel)

**The statements listed below apply to the holder of a Series 4-COP-S beverage license, permitting**

**the sale of BEER, WINE AND LIQUOR, ISSUED TO CERTAIN HOTELS AND MOTELS.**

To qualify for an alcoholic beverage license based on the availability of transient guest rooms, the premises must have a certain number of guests rooms available for guest rental at all times. The number of required guest rooms is set by state law for each individual county. Please check with your AB&T office to learn of the number of guest rooms required for your county.

Except as prohibited by law or ordinance, 4 COP S licenses may sell alcoholic beverages in the same manner as a 3 PS license. However, this does not apply to a separate alcoholic beverage business established and operated within a hotel property under any other type of alcoholic beverage license.

1. You may deliver sealed alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic Beverages and Tobacco. (561.57, F.S.)
2. Each and every container of more than (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container.
3. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)
4. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being, sold or offered for sale. (565.11, F.S.)
5. You may sell beer, wine and liquor for consumption on your premises or in sealed containers to go. (561.20, F.S.). You may also sell growlers.
6. Your beverage license may not be moved to a new location. (561.20 and 561.22, F.S.)
7. Your beverage license is valid only as long as the licensee has custody and control, through owning or leasing, of the hotel, motel or motor court. (561.20(3), F.S.)
8. You must discontinue the sale of alcoholic beverages at all times when your hotel, motel or motor court is closed. (7A-3.15, F.A.C.)
9. As the holder of a special hotel, motel or motor court beverage license, you must meet and maintain the minimum requirements for such license at all times. Specifically, you must be advertised and held out to the public to be a hotel, motel or motor court. All state, county and municipal licenses required by law for proper operation must reflect hotel, motel or motor court. You must establish and maintain daily, weekly and monthly rates on all transient guest rooms required to qualify for your special license.

Your premises shall establish and maintain registration records and procedures, and the premises shall supply such services as commonly found in a bona fide hotel, motel or motor court, such as linen, maid service, telephone, etc. All utilities such as gas, electric or telephone shall be under the name of the premises and paid for by same. The primary operation of your business shall be the operation of a bona fide hotel, motel or motor court at all times maintain sufficient equipment for the operation of same, and at no time shall the premises be maintained solely for the purpose of sale and service of alcoholic beverages.

You must cater to transient guests, meaning: temporary occupancy for less than six (6) months. Any agreement, written or oral, involving intention of arrangements lasting more than six (6) months shall disqualify that unit for consideration for license qualification. (7A-3.43, F.A.C.)

10. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)

11. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)

12. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## 4-COP SR

**The statements listed below apply to the holder of a Series 4-COP-SR beverage license, permitting the sale of BEER, WINE AND LIQUOR, AND ISSUED TO RESTAURANTS PRIOR TO JANUARY 1, 1958.**

Few SR licenses remain in active use. This was the first type of special restaurant alcoholic beverage license and allowed package sales. There are also situations where this type of license may require fewer guest seats and tables. Before relying on the comments about SR licenses shown below ensure that your license is a SR license. When SR licenses may be transferred by ownership, it may not be moved to another location.

1. You may deliver sealed alcoholic beverages from your licensed premises provided the sale was made at the premises. Telephone orders received at licensed premises shall be construed as sales at the licensed premises. Such deliveries shall be made in vehicles to which is attached a beverage vehicle permit issued by the Division of Alcoholic beverages and Tobacco. (561.57, F.S.)

2. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container. (7A-3.42, F.A.C.)

3. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)

4. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)

5. You may sell beer, wine and liquor for consumption on your premises or in sealed containers to go. (561.20, F.S.). This includes the sale of beer in growlers sealed with a top.

6. Your beverage license may not be moved to a new location. (561.20 and 561.33, F.S.)

7. You must discontinue the sale of alcoholic beverages whenever the service of full course meals is

discontinued. There are generally either no requirements for a minimum percentage of food sales of a requirement to sell at least 30% of the gross sales in food. The unique requirements of each RS licenses will be contained in the AB&T license file.

8. The Division of Alcoholic beverages and Tobacco considers the following as the minimum requirements for bona fide full course meals prepared: Salad, Entree, Beverage, Bread and Butter.

9. To maintain the qualification requirements of your license, you must provide the following:

A. Tables of adequate size to accommodate the service of full course meals in accordance with the number of chairs found at the table.

B. Floor space of 2,500 square feet (this may vary if your license was issued under certain acts other than current general law), must be in use for the operation of the restaurant all of which must be under permanent type roof.

C. Full accommodations for the service of 150 or more patrons (this number may vary if your license was issued under certain acts other than current general law), must be maintained. This includes tables, chairs, tableware and food.

D. The business must be advertised and held out to the public to be a place where meals are served, space being provided with adequate dining room equipment and having employed such number and kinds of employees for serving meals for guests. The primary operation of the restaurant shall be for the serving of meals and not for the sale of alcoholic beverages.

10. If your Special Restaurant liquor license was issued under the general laws of Florida on or after April 18, 1972, you must derive at least 51% of your gross revenue from the sale of food and nonalcoholic beverages. Such licenses issued under general law or under Special Act wherein no percentage requirement was specified from September 1, 1969 to April 18, 1972, shall be required to derive at least 30% of its gross revenue from the sale of food and nonalcoholic beverages. Such licenses issued under general law prior to September 1, 1969 to April 18, 1972 shall be required to derive at least 30% of its gross revenue from the sale of food and nonalcoholic beverages. Such licenses issued under general law prior to September 1, 1969, shall not be required to maintain any given percentage of sale of food and nonalcoholic beverages. For any Special Restaurant license issued under a Special Act prior to September 1, 1969, consult that Act to determine your requirements.

In addition to the record keeping requirements for purchase and sale of alcoholic beverages as otherwise required, you shall maintain a separate and complete record of all purchases and sale of food and nonalcoholic beverages which shall be maintained on the premises, or other designated place approved by the division, for a period of three (3) years. (561.20, F.S.)

11. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)

12. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)

13. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to an directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## 4-COP SRX

**The statements listed below apply to the holder of a Series 4-COP-SRX beverage license, permitting the sale of BEER, WINE AND LIQUOR, AND ISSUED TO RESTAURANTS AFTER JANUARY 1, 1958.**

The primary difference between a 4 COP SR and a 4 COP SRX is that the SRX may not sell alcoholic beverages to go. In effect, the “X” denotes the restriction on package sales.

1. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container. (7A-3.42, F.A.C.)

2. Should you decide to sell your business, you may not allow the buyer to operate the business until such time as he has secured the proper transfer of the license to the name of the new owner or secured a temporary license in accordance with the law. You will be held accountable for all violations of law and rule so long as your name is on the license. Should the transfer application be denied, the temporary license is simultaneously cancelled. No extensions are permitted. (561.331, F.S. )

3. For any corporation holding a beverage license, any initial issuance or subsequent transfer of actual control or effective legal control of the voting stock of a corporate license shall require the filing of a sworn declaration as to the actual control or effective legal control of the corporation.

4. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)

5. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)

6. You may not sell alcoholic beverages for consumption off your licensed premises. (561.20, F.S.). Wine purchased by a guest as part of a meal that was not finished by the guest may be corked for removal from the premises by the guest. No beer growlers may be sold by SRX licensees.

7. You may sell beer, wine and liquor by the drink only. (561.20, F.S.)

8. Your beverage license may not be moved to a new location. (561.20 and 561.33 F.S.)

9. You must discontinue the sale of alcoholic beverages whenever the service of full course meals is discontinued. (561.20, F.S.)

10. The Division of Alcoholic Beverages and Tobacco considers the following as the minimum requirements for bona fide full course meals prepared: Salad, Entree, Beverage, Bread and Butter.

11. To maintain the qualification requirements of your license, you must provide the following:



A. Tables of adequate size to accommodate the service of full course meals in accordance with the number of chairs found at the table.

B. Floor space of 2,500 square feet (this may vary if your license was issued under certain acts other than current general law), must be in use for the operation of the restaurant all of which must be under a permanent type roof.

C. Full accommodations for the service of 150 or more patrons (this number may vary if your license was issued under certain acts other than current general law), must be maintained. This includes tables, chairs, tableware and food.

D. The business must be advertised and held out to the public to be a place where meals are served, space being provided with adequate dining room equipment and having employed such number and kinds of employees for serving meals for guests. The primary operation of the restaurant shall be for the serving of meals and not for the sale of alcoholic beverages.

12. If your Special Restaurant liquor license was issued under the general laws of Florida on or after April 18, 1972, you must derive at least 51% of your gross revenue from the sale of food and nonalcoholic beverages. Such licenses issued under general law or under Special Act wherein no percentage requirement was specified from September 1, 1969 to April 18, 1972, shall be required to derive at least 30% of its gross revenue from the sale of food and nonalcoholic beverages. Such licenses issued under general law prior to September 1, 1969, shall not be required to maintain any given percentage of sale of food and nonalcoholic beverages. For any Special Restaurant license issued under a Special Act prior to September 1, 1969, consult that Act to determine your requirements.

In addition to the record keeping requirements for purchase and sale of alcoholic beverages as otherwise required, you shall maintain a separate and complete record of all purchases and sales of food and nonalcoholic beverages which shall be maintained on the premises, or other designated place approved by the Division, for a period of three (3) years. (561.20, F.S.)

13. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)

14. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)

15. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

#### **4-COP SBX**

**The statements listed below apply to the holder of a Series 4-COP-SBX beverage license, permitting the sale of BEER, WINE AND LIQUOR AND ISSUED TO BOWLING ESTABLISHMENTS MEETING CERTAIN REQUIREMENTS.**

A 4 COP SBX is a license to sell beer, wine, and liquor for consumption on the premises only for bowling

centers with at least 12 lanes and all necessary equipment to offer full bowling service.

1. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming public, display the brand name of the wine being served from such container.
2. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)
3. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)
4. You may not sell alcoholic beverages for consumption off your premises. (561.20, F.S.). This includes beer growlers.
5. You may sell beer, wine and liquors by the drink only. (561.20, F.S.)
6. Your beverage license may not be moved to a new location. (561.20 and 561.33, F.S.)
7. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)
8. A licensed wine distributor or vendor may conduct wine tastings on the vendor's premises provided the wine tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege of using the vendor's premises in any manner. (564.08, F.S.)
9. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## 11-C

**The statements listed below apply to the holder of a series 11-C beverage license, permitting the sale of BEER, WINE AND LIQUOR AND ISSUED TO FRATERNAL AND BENEVOLENT CLUBS.**

Even though 11-C licenses are not designated 4 COP type licenses, they do allow the licensee to sell beer, wine, and liquor on the premises. The primary foundation for all 11-C licenses is that they are issued only to businesses (not to individuals) that operate clubs of some sort catering primarily or exclusively to members. The primary exception is a public golf course which caters to the general public and not only to members of the club.

A recent interpretation of the requirements of 11 – C licenses by AB&T allows non-member guest accompanying a member to actually purchase alcoholic beverages. A previous interpretation only allowed them to be served. However, the guest has to be present on-site while the non-member guest purchases alcoholic beverages.

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location, provided the new premises meets local requirements and

does not conflict with Florida law. (561.33, F.S.)

2. Each and every container of more than one (1) gallon which contains wine being sold or served shall, on such container in plain view of the consuming members, display the brand name of the wine being served from such container.

3. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. "NO MIXED DRINKS TO GO." (562.452 and 562.453, F.S.)

Golf courses may apply for and be issued 11 –CX permits to accompany their 11 – C license. The 11 –CX in essence licenses the entire golf course and allows(a) patrons to take open alcoholic beverages from the clubhouse onto the course, (b) allows the club to operate roving beverage carts, and (c) allows the club to establish fixed serving locations on the course. Although each 11 CX location must have its own 11 – CX permit.

4. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)

5. You may not sell alcoholic beverages for consumption off your premises. (7A-3.19, F.A.C. and 565.06, F.S.). This includes beer growlers.

6. You may sell beer, wine and liquor by the drink only. (565.06, F.S.)

7. Your beverage license cannot be transferred in any manner whatsoever. (565.02(4), F.S.)

8. Clubs must have a definite fixed method of electing persons to membership in the club; such method must be described by the club's Bylaws and must have some relation to the object and purpose of the club.

9. Clubs may sell and serve alcoholic beverages to club members and their invited guests only within the licensed premises as described by such sketch appearing on the application for their beverage license.

10. Clubs may not purchase distilled spirits in individual containers larger than 1.75 liters (59.18 ounces) nor smaller than 3/4 of one (1) liter (25.36 ounces). (565.05, F.S.)

11. Clubs are required to observe the same hours of sale as are permitted other licenses in the same city or county, unless a Special Act, City Ordinance or Resolution of the Board of County Commissioners establishes different hours of service for holders of club licenses.

12. Clubs are prohibited from selling or serving or permitting the service of alcoholic beverages at social functions given at the club by any nonmember of the club.

13. It is unlawful to dispense or serve any alcoholic beverages not purchased by your club from a licensed distributor.

14. A change of executive officers or directors or resignation of such position, will be contingent upon the express approval by the Division of the persons holding or acquiring such position. (561.17(3))

15. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)

16. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

## 11-C Golf Course

**All statements listed below apply to the holder of a Series 11-C beverage license, permitting the sale of BEER, WINE AND LIQUOR, AND ISSUED TO GOLF CLUBS MEETING CERTAIN REQUIREMENTS.**

1. You may, upon approval from the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict with Florida law. (561.33, F.S.)
2. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming members, display the brand name of the wine being served from such container. (7A-3.42, F.A.C.)
3. Intoxicating liquors by the drink may not be served or consumed at the curb or in the parking lot of a licensee. 'NO MIXED DRINKS TO GO.' (562.452 and 562.453, F.S.)
4. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)
5. You may not sell alcoholic beverages for consumption off your premises. (565.06, F.S.). This includes beer growlers.
6. You may sell beer, wine and liquors by the drink only. (565.06, F.S.)
7. Your beverage license cannot be transferred in any manner whatsoever. (565.02(4), F.S.)
8. Alcoholic beverages may be served only to bona fide club members or to their guests.
9. Clubs must have a definite fixed method of electing persons to membership in the club; such method must be described by the club's Bylaws and must have some relation to the object and purpose of the club.
10. Clubs may sell and serve alcoholic beverages to club members and their invited guests only within the licensed premises as described by such sketch appearing on the application for their beverage license.
11. Clubs may not purchase distilled spirits in individual containers larger than 1.75 liters (59.18 ounces) nor smaller than 3/4 of one (1) liter (25.36 ounces). (565.05, F.S.)
12. Clubs are required to observe the same hours of sale as are permitted other licenses in the same city or county, unless a Special Act, City Ordinance or Resolution of the Board of County Commissioners establishes different hours of service for holders of f club licenses.
13. Clubs are prohibited from selling or permitting the service of alcoholic beverages at social functions given at the club by any nonmember of the club.
14. It is unlawful to dispense or serve any alcoholic beverages not purchased by your club from a licensed

distributor. (561.14(3), F.S.)

15. You may serve beer, wine and liquor by the drink for consumption on the premises by members and bona fide guests only. Only members may purchase alcoholic beverages. In this instance, a member shall include the full members accepted into the club according to the club Bylaws, as well as those persons who have paid a greens fee on the day of the purchase of the alcoholic beverage, it being intended that this license was issued for the convenience of the players using the golf facilities as were required to obtain the beverage license. (565.02(4), 565.06, F.S.)

16. You may operate portable or temporary bars on grounds contiguous to your licensed premises with permits issued by the Division. Fee for permit is \$100.00 each. (565.02(1)(g), F.S.) - SEE: 11-CX below.

17. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of the Tied House Evil law. (565.16, F.S.)

18. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.)

### **11-CX (Portable Temporary Bar For Licensed Golf Clubs ONLY)**

Golf Club license holders may operate service bars or portable or temporary bars on the grounds contiguous to their licensed premises and shall pay \$100 for a certified copy of the club license which shall be posted in the bar. (The certified copy of the club license shall be designated as a Series 11-CX license.) The area contiguous to the licensed premises shall be considered an extension of the licensed premises upon the payment of the fee, posting of the license and notation of such extension upon the sketch accompanying the original license application. (565.02 (1) (g), F.S.)

### **11-C Tennis and/or Racquetball Club**

**All statements listed below apply to the holder of a Series 11-C beverage license, permitting the sale of BEER, WINE AND LIQUOR, AND ISSUED TO TENNIS D/OR RACQUETBALL CLUBS MEETING CERTAIN REQUIREMENTS.**

1. You may, upon approval of the Director of the Division of Alcoholic Beverages and Tobacco, move your license to another location provided the new premises meets local requirements and does not conflict with Florida law. (561.33, F.S.)

2. Each and every container of more than one (1) gallon which contains wine being sold or served shall on such container in plain view of the consuming members, display the brand name of the wine being served from such container.

3. It is unlawful to reuse, refill or possess refilled bottles of liquor nor shall you misrepresent the brand of liquor being sold or offered for sale. (565.11, F.S.)

4. You may not sell alcoholic beverages for consumption off your premises. (565.06, F.S.)

5. You may sell beer, wine and liquors by the drink only. (565.06, F.S.)

6. Your beverage license cannot be transferred in any manner whatsoever. (565.02(4), F.S.)
7. Alcoholic beverages may be served only to bona fide club members or to their guests.
8. Clubs must have a definite fixed method of electing persons to membership in the club; such method must be described by the club's Bylaws and must have some relation to the object and purpose of the club.
9. Clubs may sell and serve alcoholic beverages to club members and their invited guests only within the licensed premises as described by such sketch appearing on the application for their beverage license.
10. Clubs are required to observe the same hours of sale as are permitted other licenses in the same city or county, unless a Special Act, City Ordinance or Resolution of the Board of County Commissioners establishes different hours of service for holders of club licenses. (
11. Clubs are prohibited from selling or serving or permitting the service of alcoholic beverages at social functions given at the club by any nonmember of the club.
12. It is unlawful to dispense or serve any alcoholic beverages not purchased by your club from a licensed distributor.(561.14(3), F.S.)
13. You may serve beer, wine and liquor by the drink for consumption on the premises by members and bona fide guests only. In this instance, a member shall include the full members accepted into the club according to the club Bylaws as well as those persons who have paid a court fee on the day of the purchase of the alcoholic beverage, it being intended that this license was issued for the convenience of the players using the tennis or racquetball facilities as were required to obtain the beverage license. (565.02(4), 565.06, F.S.)
14. A liquor distributor in this state may furnish, give, rent, loan or sell to a vendor of liquors and vendors of liquors may accept alcoholic beverage lists, commonly known as "wine lists" without being in violation of Tied House Evil law. (565.16, F.S.)
15. A licensed distributor of liquors or any vendor licensed to sell liquor may conduct spirituous beverage tastings on the vendor's licensed premises provided the spirituous beverage tasting shall be limited to and directed toward the general public of legal consumption age. The distributor may not pay the vendor for the privilege in any manner. (565.17, F.S.).

## **EMPLOYEE'S AGREEMENT OF UNDERSTANDING**

You may find it useful to present your employees with an Agreement of Understanding to sign when they begin work so there is no doubt what you as the owner expect of them. This Agreement of Understanding is presented as a guide. Please modify it to fit the needs and serving circumstances of your business.

(A SAMPLE CONTRACT WHICH MAY BE USED BY REMOVING FROM THIS BOOKLET)

As a part of condition of my employment by understand and agree to the following rules about the sale and service of alcoholic beverages:

1. I will not sell beer, wine or liquor to any person under the age of 21.

2. If any customer does not clearly appear to be at least 30 years old, I will ask for, look at, and read a driver's license, a passport, or a state of Florida identification card issued by the Florida Department of Highway Safety and Motor vehicles. I will NOT accept social security cards, student identification cards, voters registration cards, work identification cards, birth certificates, marriage certificates, military identification, alien registration cards, or any other form of identification as the primary source to verify age.
3. I will not knowingly sell or serve beer, wine or liquor to any adult for use by any underage person, including parents, spouses or relatives.
4. I will not sell or serve beer, wine or liquor to any person who is obviously intoxicated or acting disorderly.
5. I will not sell or serve alcohol to any person who I reasonably could be habitually addicted to alcohol.
6. I will not sell or serve beer, wine or liquor to anyone during restricted hours.
7. I will not sell cigarettes, rolling paper or any tobacco products to any person under 18 years old, nor will I knowingly sell them to an adult for use by an underage person.
8. I will not use or allow the sale, delivery, storage or use of any unlawful drugs in my work area. If I witness or suspect any such unlawful activity I will immediately notify my supervisor, the manager, or the owner.
9. I will not allow any illegal activity; such as, gambling or prostitution in my work area. If I witness or suspect such activity, I will immediately notify my supervisor, the manager or the owner.
10. I understand that my activities will be monitored by my employer as well as State Law Enforcement investigators to insure compliance with Florida's alcoholic beverage laws. I have read and understand this performance contract and that it is company policy to cooperate with local law enforcement officers and State Division of Alcoholic Beverages and Tobacco investigators on criminal investigations.