



FAQs

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We know that you are working to respond to your employees, your customers, and the changing regulations in a timely and lawful manner. Based on the guidance we have received as of March 17 we hope you will find the FAQs below helpful. This is only helpful guidance, and not intended to take the place of legal advice. For circumstances specific to your establishment, we recommend you seek the advice of your legal counsel.

Please remember that the intention of these rules is to encourage social distancing and thus decrease transmission of Covid-19, while still allowing some semblance of normal operation. We urge you to err on the side of caution and distance. If the allowances permitted under the current regulations are abused, it may cause these allowances to be revoked and more stringent regulations to come into play.

Again, if you have specific questions regarding your circumstances, please check with your legal advisor. Ultimately what is allowable will be determined on a case by case basis by the regulatory authority having jurisdiction, such as DBPR or your local government.

Local restrictions are allowed to be more prohibitive than state restrictions, and you should comply with the most restrictive guidance.

1. How do I know if I am a bar or a food service establishment?

Bars are defined as deriving more than 50% of gross revenue from alcohol sales. If that definition doesn't help, check your local Business Tax Receipt (BTR). Every establishment is required to have a BTR issued in order to open their business. The BTR is either issued through the city municipality, city and county municipality or just the county municipality depending on their location within Florida.

Generally the BTR application will ask for the specific use of the establishment, the breakdown can include fast food (or fast casual), full service restaurant, bar / night club, and even food service establishment with alcohol sales. (The BTR is main way of tracking local establishments and ensuring appropriate fees are paid per the services offered.)

Also, all COPs with SFS (previously SRX) designation would qualify as a restaurant.

2. So, I'm a bar. What happens now? Can I hold other events in my establishment?

You are required to stop selling alcohol for 30 days, as of 5pm on March 17, 2020. You are not permitted host other events in your establishment during that time. The restrictions are in place to encourage social distancing.

3. Restaurants are required to stay at 50% capacity. What does this mean?

Practically speaking, this means use only half of your seating capacity. For example, use only every other table or every other booth. If your establishment normally seats people very closely, you may need to allow even more tables between parties. Each party needs to be a minimum of 6 feet from the next.

4. How many people can be in each party?

No more than 10 people can be in a party that is dining in a restaurant. No matter the size of the party, they still must be seated at least 6 feet away from any other party in the restaurant.

5. Can I seat people in the bar area of my restaurant?

Not at a customary bartop with bar stools, but you may if the seating is at tables and the required separation can be achieved.

6. If my bar area is closed, can I still serve alcohol in the restaurant area of my establishment?

Yes, unless a local restriction prohibits that.

7. Do these restrictions apply to bars in hotel lobbies and pool bars? How about golf beverage carts?

These restrictions apply to all bars. If food service is available, the rules regarding food service establishments apply. For lobby and pools bars serving food, the restrictions are likely to apply to the seating directly at the bar, as those seats are too close together. If there is table seating, the separation guidance that applies to seating in restaurants would similarly apply. Golf course beverage cart service should be acceptable.

It's the guest proximity that makes the difference. If a lobby bar or pool bar is a "customary bar" with a bartop and barstool seating, then no service; if it has tables and is set up more like a restaurant then service with the requisite spacing, cap on party size and any other existing regulations is okay.

The employee screening below should apply to all employees who engage in service to a customer in any establishment.

8. I'm supposed to screen my employees. What does this mean?

Ask the following questions:

- Have you been infected with COVID-19?
- Do you have any symptoms of respiratory infection, including cough, fever, shortness of breath or sore throat?
- In the last 14 days, have you been in contact with anyone known to have COVID-19? (If the answer is yes, the person must have tested negative for COVID-19.)
- Have you traveled to any area known to have high numbers of positive cases of COVID-19, including but not limited to California, Washington, New York, Massachusetts and Washington, D.C., in the past 14 days?
- Have you been in any gathering of 50 people or more in the past 14 days?
- Have you returned from international travel or been in contact with anyone who has returned from international travel within the past 14 days?
- Have you traveled through an airport within the past 14 days?
- Have you traveled on a cruise ship or been in contact with anyone who has returned from travel on a cruise ship within the past 14 days?

If the employee answers YES to any of these questions, that person CANNOT be allowed to enter the establishment. If the employee has been infected with COVID-19 and receives two consecutive negative tests separated by 24 hours, they can be permitted to work.

Because Coronavirus is a pandemic, it is permissible for employers to measure an employee's temperature before they report for work.

9. So, are these the final requirements?

These requirements can change as the situation changes. And, local governments have the authority to adopt stricter regulations if they see fit. For additional questions and updates regarding establishment closures and regulations, please visit the Florida Department of Business and Professional Regulations dedicated website at <http://www.myfloridalicense.com/dbpr/emergency/>.

10. Alcohol to go?

Nothing has changed, you are limited to your current license.

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