

Mandatory Operation Changes for Restaurants and Gyms Due to COVID-19

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Related Attorneys

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Effective immediately, Governor Ron DeSantis has issued Executive Order No. 20-71, which impacts operations across the state of Florida until the expiration of the Governor's March 9th executive order declaring a state of emergency across the state. That order (Executive Order 20-52) is to last 60 days (May 8, 2020) unless extended. The latest Executive Order will impact businesses statewide as follows:

1. **Alcohol Sales.** All vendors licensed to sell alcohol for consumption on premises are to suspend the sale of alcoholic beverages for consumption on premises. These prohibitions are lifted provided the alcohol is sold in a sealed container for off premises consumption and is accompanied by the sale of food (delivery or take-out only) in the same order. Further, licensed vendors of alcoholic beverages can also request the return of undamaged alcoholic beverages purchased for events cancelled in response to COVID-19 pursuant to the conditions outlined in the order. Vendors should be sure to follow the specific steps set forth for in the order for such requests. The provisions of this order do not prohibit retail stores and vendors that currently sell sealed containers for off premises consumption from continuing operations.
2. **Restaurants and Bars.** All food establishments are to suspend on-premises food consumption for customers however, delivery or take-out services are permitted. Such establishments may continue to operate their kitchens and certain employees will still be allowed access for delivery or take-out purposes. For the purposes of this Executive Order, "restaurant" shall include any Food Service Establishment licensed under Chapter 500, Florida Statutes, and Public Food Service Establishments licensed under Chapter 509 Florida Statutes.
3. **Gym and Fitness Centers.** All gyms and fitness centers within the State of Florida have been order to close. This order will not apply to gyms and fitness centers that are:
 1. amenities of hotels which have a capacity of 10 persons or less,
 2. an amenity of a residential building,

3. interior to any fire or police states, or
4. located inside any single occupant office building.

These announcements will certainly have impacts on businesses across the state. Please be aware that the Florida Small Business Emergency Bridge Loan Program as further discussed here, is active for small business owners affected by COVID-19. If eligible, businesses are encouraged to start the process sooner rather than later.

If you have any questions, please contact a member of the Hospitality & Leisure Group, or your usual Lowndes attorney.