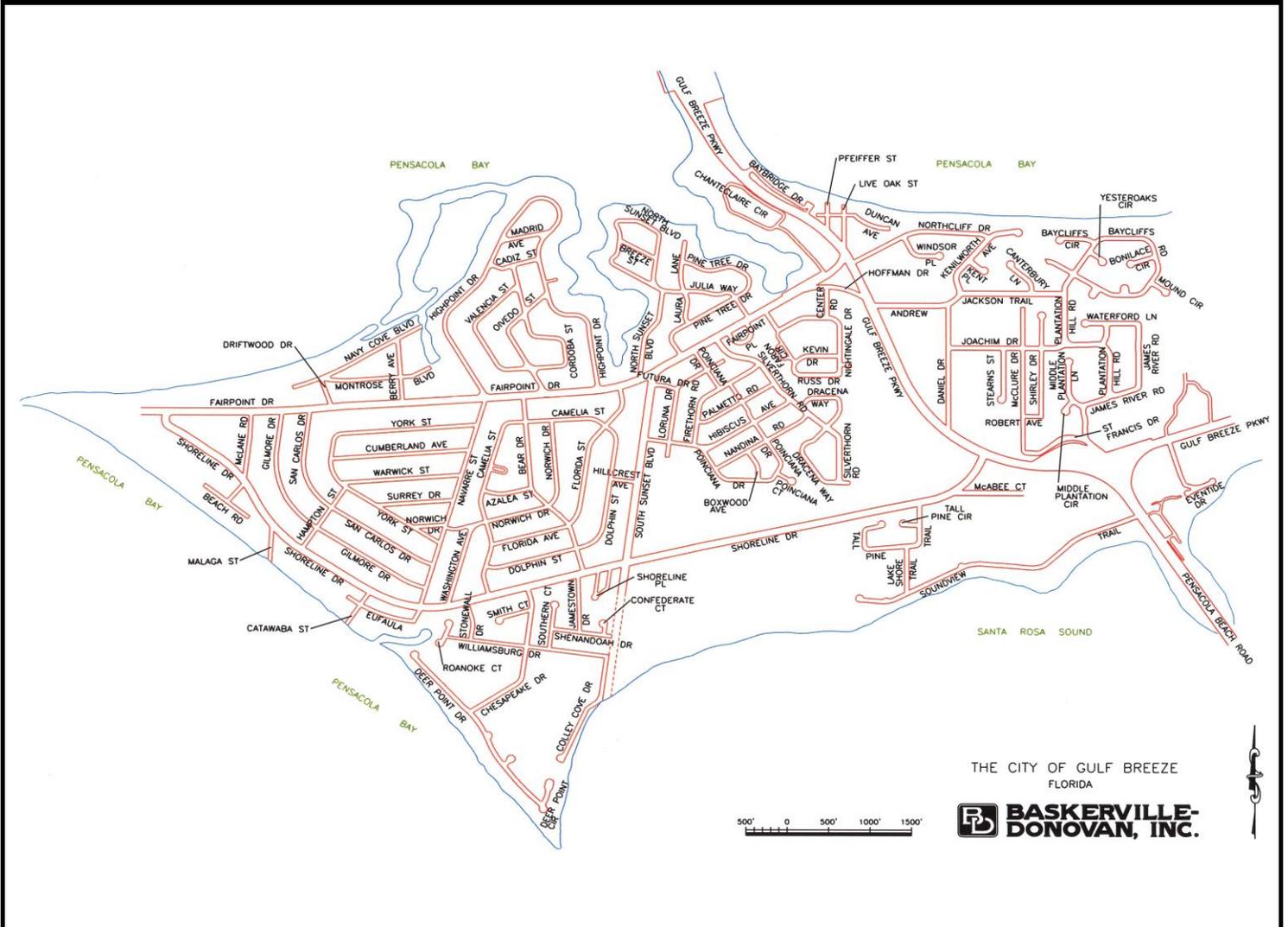




BUSINESS INFORMATION:		PROPERTY OWNER'S INFORMATION:	
NAME OF BUSINESS:		NAME OF BUSINESS:	
BUSINESS OWNER'S NAME:		PROPERTY OWNER'S NAME:	
ADDRESS:		ADDRESS:	
ADDRESS 2:		ADDRESS 2:	
CITY:		CITY:	
STATE:		STATE:	
ZIP:	PHONE #:	ZIP:	PHONE #:
CELL #:	FAX #:	CELL #:	FAX #:
E-MAIL:		E-MAIL:	
AGENT INFORMATION:		PHYSICAL LOCATION INFORMATION:	
NAME OF BUSINESS:		PHYSICAL ADDRESS:	
AGENT NAME:		SUBDIVISION OR: COMPLEX NAME:	
ADDRESS:		SRCPA PARCEL ID #:	
ADDRESS 2:		ZONING DESIGNATION:	
CITY:		IS THE PROPERTY A CORNER LOT? YES NO	
STATE:		DRIVING DIRECTIONS:	
ZIP:	PHONE #:		
CELL #:	FAX #:		
E-MAIL:			
BEVERAGE LICENSE INFORMATION:		AUTHORIZATION:	
STATE LICENSE SERIES TYPE:		I HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT MAKING APPLICATION DOES NOT GUARANTEE THAT THE CITY OF GULF BREEZE WILL ISSUE A CERTIFICATE OF COMPLIANCE. FURTHER, I AFFIRM THAT THE CITY OF GULF BREEZE HAS PROVIDED ME A COPY OF THE ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGES. I ALSO AFFIRM THAT I HAVE READ THE ORDINANCES AND FULLY UNDERSTAND THE REGULATIONS. I ACKNOWLEDGE THAT BY SIGNING THIS APPLICATION THAT I WILL FULLY COMPLY WITH THE CITY'S REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES. FURTHER, I AFFIRM THAT THE CITY REQUIRES A \$100.00 NON REFUNDABLE FEE TO PROCESS THIS APPLICATION.	
STATE BEVERAGE APPLICATION ATTACHED: YES NO			
BUSINESS TYPE: RESTAURANT      RETAIL SALES BAR/LOUNGE      OTHER			
NUMBER OF SEATS:	NUMBER OF TABLES:		
TOTAL AREA:	AREA DEVOTED TO PATRON USE:	BUSINESS OWNER'S SIGNATURE:	
INTENDED USE:		BUSINESS OWNER'S PRINTED NAME:	
		DATE:	
		AGENT'S SIGNATURE:	
		AGENT'S PRINTED NAME:	
		DATE:	
IT SHALL BE UNLAWFUL FOR ANY BUSINESS OR ESTABLISHMENT TO SELL OR SERVE ANY ALCOHOLIC BEVERAGE FOR EITHER ON-PREMISES CONSUMPTION OR OFF-PREMISES CONSUMPTION IN THE CITY WITHOUT FIRST OBTAINING FROM THE CITY A CERTIFICATE OF COMPLIANCE INDICATING THAT THE LOCATION OF SUCH VENDOR, BUSINESS, OR ESTABLISHMENT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.		<b>BEVERAGE APPLICATION FEE      \$100.00</b>	

**LOCATION MAP:**



**CHECK LIST:**

- (1) COMPLETED APPLICATION.
- (2) STATE BEVERAGE LICENSE APPLICATION
- (3) \$100.00 NONREFUNDABLE APPLICATION FEE.

**PLEASE ATTACH SUPPORTING DOCUMENTATION BEHIND THIS PAGE.**

**APPLICATION PACKAGE MUST BE HAND DELIVERED OR MAILED TO CITY HALL.**



## Chapter 3 - ALCOHOLIC BEVERAGES

### FOOTNOTE(S):

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**Editor's note**— Ordinance No. 06-05, adopted Oct. 17, 2005, amended ch. 3 in its entirety to read as herein set out. Former ch. 3 pertained to similar subject matter and derived from §§ 3-1—3-4 of the 1976 Code and Ord. No. 9-91, adopted Jan. 6, 1992.

**Cross reference**— Businesses, ch. 6. [\(Back\)](#)

### Sec. 3-1. - Definitions.

When used in this chapter, the following words shall have the meaning ascribed to them in this section unless a different meaning clearly appears in the context:

*Alcoholic beverage* shall mean all distilled spirits and all beverages containing one-half of one percent or more alcohol by volume, and shall include the substances defined in this section as beer, liquor, and wine.

*Bar or lounge* shall mean a business or establishment that sells, serves, or allows consumption of liquor for on-premises consumption and which does not have a restaurant license authorized under F.S. (2009) § 561-20(2)(a)4.

*Beer* shall mean, extend to, and include all brewed beverages containing malt.

*Liquor* shall be taken to include the words "distilled spirits," "spirituous liquors," "spirituous beverages," or "distilled spirituous liquors" and shall extend to and include all spirituous beverages created by distillation and by mixture of distilled beverages, including ethyl alcohol and ethanol, including all dilutions and mixtures thereof from whatever source or by whatever process produced; provided, however, that for purposes of this chapter the term "liquor" shall not include the substances defined in this section as beer or wine.

*Wine* shall mean, extend to, and include all beverages made from fresh fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, in the manner required by the laws and regulations of the United States, and includes all sparkling wines, champagnes, combination of the aforesaid beverages, vermouth, and like products. Sugar, flavors, and coloring materials may be added to wine to make it conform to the consumer's taste, except that the ultimate flavor or color of the product may not be altered to imitate a beverage other than wine or to change the character of the wine.

(Ord. No. 06-05, § 2, 10-17-05; Ord. No. 17-09, § 1, 10-19-09)

### Sec. 3-2. - Hours of sale.

- (a) Except as otherwise provided in this section, no alcoholic beverages may be sold, consumed, served, or permitted to be sold, consumed, or served by any vendor or at any business or establishment in the city between the hours of 12:00 a.m. (midnight) and 8:00 a.m. on the following day on Sunday through Thursday and 1:00 a.m. and 8:00 a.m. on Saturday and Sunday; provided, however, restaurants are also allowed to sell alcoholic beverages in the city each night of the week until 12:00 a.m. (midnight). Notwithstanding the preceding sentence, except as otherwise provided in this section a vendor, business, or establishment holding an appropriate license under state law and having received a certificate of compliance from the city for the sale of beer and wine for off-premises consumption may sell beer and wine, but not liquor, for off-premises consumption between the hours of 10:00 p.m. and 8:00 a.m. the following day.

- (b) No alcoholic beverages may be sold, consumed, served, or permitted to be sold, consumed or served at any business or establishment in the city between the hours of 12:00 midnight on Saturday night of each week until 12:00 noon the following Sunday morning.

(Ord. No. 06-05, § 2, 10-17-05; Ord. No. 06-09, § 1, 4-6-09; Ord. No. 16-09, § 1, 9-2-09)

**State law reference**— Authority to regulate hours of sale of alcoholic beverages, F.S. § 562.14, 562.45(2).

Sec. 3-3. - Certificate of compliance.

- (a) It shall be unlawful for any business or establishment to sell or serve any alcoholic beverage for either on-premises consumption or off-premises consumption in the city without first obtaining from the city a certificate of compliance indicating that the location of such vendor, business, or establishment complies with the requirements of this section.
- (b) A business or establishment desiring to sell or serve any alcoholic beverages in the city shall file a petition with the city containing such information as needed to demonstrate that the location of said vendor's premises complies with the requirements of this chapter. The city manager, or his designee, shall consider each petition for a certificate of compliance and, if the city manager finds that the petition is in compliance, then the city manager shall issue a certificate of compliance with the provisions of the chapter, subject to appeal to the city council. Notice of each decision of the city manager to grant or deny a certificate of compliance shall be filed with the city clerk. The city clerk shall send notice of any decision to deny a certificate of compliance to the petitioner, which notice shall inform the petitioner of the right of any person aggrieved by the decision of the city manager to appeal the decision to the city council within ten calendar days of the date of such notice. The city shall charge the petitioner a nonrefundable fee of \$100.00 to process and review the petition.
- (c) Any person aggrieved by a decision of the city manager pursuant to this chapter may appeal to the city council by filing with the city clerk a written notice of appeal within ten calendar days after the date of the city manager's granting of a certificate of compliance or within ten calendar days after the date of the city clerk's notice to the petitioner of the city manager's decision to deny a certificate of compliance. The notice of appeal shall set forth a short and plain statement alleging the reasons why the decision of the city manager was not in compliance with the provisions of this chapter.
- (d) The city council shall consider any appeal pursuant to this chapter at a city council meeting within a reasonable time following the date of filing of a notice of appeal. The city council shall consider the evidence presented concerning the criteria set forth in this chapter and render its decision which shall be final. The city manager shall issue to the petitioner a certificate of compliance if an appeal has been timely filed and the city council has approved the granting of the certificate of compliance.

(Ord. No. 06-05, § 2, 10-17-05; Ord. No. 01-06, § 1, 1-17-06)

Sec. 3-4. - Distance requirements from churches and schools.

- (a) A certificate of compliance as required in section 3-3 shall not be issued for any business or establishment that desires to sell or serve alcoholic beverages in the city if the location of such business or establishment is within 2,500 feet of any existing church or public school unless, in the case of a church, the governing body of such church consents in writing to the issuance of a certificate of compliance. The distances set forth in this section shall be determined by measuring from the closest point on the property line of the grounds upon which the business or establishment is located to the closest point on the property line of the grounds upon which the church or school is located.
- (b) The following businesses or establishments shall be exempt from the requirements of subsection (a) to the extent set forth below:
  - (1) A business or establishment which has a restaurant license authorized under F.S. (2005) § 561.20(2)(a)4, shall be exempt from the distance requirements of subsection (a) and shall be

allowed to sell liquor, beer, and wine for on-premises consumption to the extent permitted in its license; provided, however, no such business or establishment shall sell or serve liquor if it is located within 150 feet of a church or public school;

- (2) A business or establishment which has a license authorized under F.S. (2005) § 563.02(1)(a), shall be exempt from the distance requirements of subsection (a) and shall be allowed to sell beer and wine, but not liquor, for off-premises consumption only;
  - (3) A restaurant does not hold a license authorized pursuant to F.S. (2005) § 561.20(2)(a)4, but which is equipped to serve at least 35 persons full-course meals at tables at one time and which derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages shall be exempt from the separation requirements set forth in subsection (a) and shall be allowed to sell beer and wine, but not liquor, for on-premises consumption; and
  - (4) A bona fide nonprofit civic organization which has a license authorized under F.S. (2005) § 561.422, shall be exempt from the distance requirements of subsection (a) and shall be allowed to sell alcoholic beverages to the extent permitted in its license.
- (c) In addition to all other requirements of this chapter, no restaurant which pursuant to subsection (b) qualifies for an exemption to the separation requirements set forth in subsection (a) shall sell or serve any alcoholic beverages after the time it has discontinued serving meals.
  - (d) Whenever a business or establishment has been permitted pursuant to this chapter to sell liquor, beer, or wine and, thereafter, a church or public school is established within a distance otherwise prohibited by this section of the place of the business, the establishment of such church or school shall not cause the revocation of the license or permission of such business and shall not prevent the subsequent renewal of any such license or permission.

(Ord. No. 06-05, § 2, 10-17-05)

#### Sec. 3-5. - Sales and consumption restricted to buildings.

- (a) It shall be unlawful for any owner of a business or establishment, or for any agent, servant, or employee of such owner, to sell, serve, or permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the primary building in which such business or establishment conducts the majority of its revenue-producing operations.
- (b) It shall be unlawful for any person to consume any alcoholic beverage in or upon any parking or other area outside of and adjacent to a business or establishment that sells or serves alcoholic beverages when such parking or other area is owned, rented, leased, regulated, controlled, or provided, directly or indirectly, by such business or establishment.
- (c) If any owner mentioned in this section is other than a natural person, then the officers, managers, directors, and partners thereof shall be regarded as the owners for purposes of the enforcement of this section.
- (d) The city manager is hereby authorized to grant exemptions from the operation of this section. Any person seeking an exemption from the operation of this section must apply in writing to the city manager. The application must describe in detail the reasons and circumstances pertaining to the intended consumption of alcoholic beverages in an outside area. Exemptions may be granted by the city manager only in situations where it would appear that the exemption, if granted, would not create a public nuisance or a public disturbance. In determining whether to grant a requested exemption, the city manager shall take into account the following factors:
  - (1) The degree to which the consumption of alcoholic beverages in an outside area would be exposed to public view;
  - (2) The extent to which the consumption of alcoholic beverages in an outside area would reasonably be expected to cause or increase any adverse secondary effects which this chapter is intended to reduce or avoid;

- (3) The level of noise likely to be created by the granting of an exemption;
- (4) The extent to which litter control is exercised by the person or entity providing for the availability of alcoholic beverages;
- (5) The degree to which law enforcement services have been or may be required to be provided by the City of Gulf Breeze; and
- (6) Such other factors as are appropriate in determining the effect such exemption would have upon public health, safety, morals, and welfare.

No exemption granted by the city manager shall be effective for more than one year from the date of issue. Such exemption may be renewed by the city manager on an annual basis upon written request, and the city manager may grant annual renewal by application of the factors set forth above.

- (e) Any person aggrieved by the denial of an exemption by the city manager shall have a right to appeal the city manager's decision to the city council. Such an appeal must be in writing and filed with the city clerk within ten calendar days after the date of the city manager's decision to deny an exemption. The notice of appeal shall set forth a short and plain statement of the reasons why the decision of the city manager was not in compliance with the provisions of this section.
- (f) The city council shall consider any appeal pursuant to this section within a reasonable time following the date of filing of a notice of appeal. The city council shall consider the evidence presented concerning the criteria set forth in this section and render its decision which shall be final.
- (g) The city manager is authorized to revoke any exemption which may have been granted pursuant to this section in the event that it is determined by the city manager that the conduct of patrons of a business or establishment which has been granted an exemption constitutes a public nuisance or a public disturbance. In determining whether a public nuisance or disturbance exists, the city manager may consider and investigate any of the factors set forth in subsection (d), above. In the event that the city manager determines that an exemption previously granted should be revoked, the city manager shall provide written notice to the owner of the business or establishment no later than five days in advance of the effective date of the revocation, informing the owner of the intention to revoke the exemption and the reasons therefore.
- (h) Any person aggrieved by the revocation of an exemption by the city manager shall have the right to appeal the city manager's decision to the city council. Such an appeal must be in writing and filed with the city clerk within ten calendar days after the date of the city manager's written notice to the owner of the decision to revoke the exemption. The notice of appeal shall set forth a short and plain statement of the reasons why the decision of the city manager was not in compliance with the provisions of this section, or why the exemption should not be revoked. The city council shall consider any appeal of a revocation of exemption pursuant to this section within a reasonable time following the date of filing of a notice of appeal. The city council shall consider the evidence presented concerning the criteria set forth in this section and render its decision which shall be final.

(Ord. No. 06-05, § 2, 10-17-05)

Sec. 3-6. - Distance requirements from certain vendors of alcoholic beverages.

- (a) A certificate of compliance as required in section 3-3 shall not be issued for any business or establishment that desires to sell liquor for off-premises consumption if the location of such business or establishment is in closer proximity than 1,000 feet to any other business or establishment that sells liquor for off-premises consumption.
- (b) A certificate of compliance as required in section 3-3 shall not be issued for any bar or lounge that desires to sell liquor for on-premises consumption if the location of such business or establishment is in closer proximity than 400 feet to any other bar or lounge.
- (c) The distances set forth in this section shall be determined by measuring from the closest point on the property line of the grounds upon which the vendor, business, or establishment is located to the closest

point on the property line of the grounds upon which the other vendor, business, or establishment is located.

(Ord. No. 06-05, § 2, 10-17-05; Ord. No. 17-09, § 2, 10-19-09)

Sec. 3-7. - Private security.

- (a) Any person, business, or establishment which sells or serves alcoholic beverages for consumption on its premises and experiences six or more responses from a law enforcement agency within a one-year period relating to a disturbance, traffic infraction, abandoned vehicle, or criminal offense which relates to the activities of the business or its patrons, shall be required to provide private security on the premises during operating hours as specified in this section. A law enforcement response shall qualify if the response is to the premises or within 300 feet of the premises.
- (b) The private security shall be a security officer licensed pursuant to F.S. ch. 493, or shall be a dually certified law enforcement officer pursuant to Florida Statutes.
- (c) The requirement of private security shall continue until the establishment experiences two or less responses from law enforcement for a continuous period of 12 months.
- (d) If a business or establishment is required to provide private security and continues to experience law enforcement responses of six or more within a one-year period, the city or any affected person may seek injunctive relief to close the business by reasons of creation of a public nuisance.
- (e) The provision of private security shall be from 6:00 p.m. until close of business. If law enforcement responses have occurred prior to 6:00 p.m., private security may be required during the time period of such occurrences, upon the recommendation of the city's chief of police.

(Ord. No. 06-05, § 2, 10-17-05)

Sec. 3-8. - Nudity prohibited on premises where alcoholic beverages are sold or served.

- (a) It shall be unlawful for any person maintaining, owning, or operating a business or establishment located within the city at which alcoholic beverages are offered for sale or are served:
  - (1) To suffer or permit any female person, while on the premises of such commercial establishment, to expose to the public view that area of the human breast at or below the areola thereof;
  - (2) To suffer or permit any female person, while on the premises of such business or establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast at or below the areola thereof;
  - (3) To suffer or permit any person, while on the premises of such business or establishment, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage; or
  - (4) To suffer or permit any person, while on the premises of such business or establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.
- (b) It shall be unlawful for any female person, while on the premises of a business or establishment at which alcoholic beverages are offered for sale or are served, to expose to public view that area of the female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such areas of the human female breast at or below the areola thereof.
- (c) It shall be unlawful for any person, while on the premises of a business or establishment at which alcoholic beverages are offered for sale or are served, to expose to public view his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage.

(Ord. No. 06-05, § 2, 10-17-05)