

# DON'T FALL INTO THE PERMIT TRAP

FOR ANY KIND OF CONSTRUCTION, DUE DILIGENCE EXTENDS BEYOND LOCAL PERMITS

BY VALERIE HABER AND JOHN HARRIS

The paint is dry, staff is trained, and your kitchen ready to fire on all cylinders. All that is left, so you think, is to apply for and obtain your temporary and new or transfer liquor license and have patrons walk through the door....

Unfortunately, the local authorities that said you can open your doors are not the ones who approve your liquor license application. Checking the right boxes for your construction project may actually create new hoops to jump through. In other words, having all the right permits for a renovation or any type of construction does not guarantee that your Florida Division of Alcoholic Beverages and Tobacco license approval will be automatic.

The purpose of this article is to demystify the local permitting process. In Florida, "Home Rule" powers allow each of Florida's over 400 municipalities to adopt their own laws, so long as the laws are not in conflict with state or federal law. On top of that, in Florida's 67 counties that have adopted a "charter" form of government, the county maintains some degree of authority over the construction permitting within its borders.

Due diligence is the starting point for any plan to open a new business or purchase an existing business involving alcoholic beverages. Naturally, the types of permits that are required vary by location—after all, zoning and permitting are both fundamentally local—but typically involve the following agencies and aspects:

## BUILDING DEPARTMENT

If you are doing any type of construction, including re-wiring or plumbing, you will likely need a permit from the building department to undertake that work. During construction, you may be subject

to inspection, and typically a "certificate of occupancy" is issued toward the end of construction. The municipal building department may also require that you get an outdoor seating permit, a signage permit, and/or an environmental permit (perhaps for a grease trap).

Any new or remodeled construction of a location with a state food service permit will require a state plan review by the food service agency having jurisdiction. In Florida, one of three agencies may be involved, depending on the type of business (traditional restaurant, coffee shop; convenience or grocery store; school, hospital, etc.).

## FIRES AND POLICE/SHERIFF'S DEPARTMENT

Many municipalities issue fire alarm permits, burglar alarm permits, or other safety or fire-related permits like permits to store propane, so be sure to check with your local fire department for similar requirements.

## ZONING DEPARTMENT

You will need to interact with your local zoning/land use planning department in order to secure the required approval signature on your Florida Division of Alcoholic Beverages and Tobacco license (unless you are doing a license transfer for an existing business at the same location).

Some municipal departments may require that you go through certain processes and/or inspections before opening, or before they will sign your alcohol beverage application. Typical examples include a "certificate of use" certifying that your proposed use (like "restaurant," "bar," etc.) is allowed at your location, or a "zoning permit," which serves the same function.

## BUSINESS/OCCUPATIONAL PERMITS

By state law, you are required to get a local business tax receipt (formerly known as local occupational licenses) and to register each of your business locations with the Florida Department of Revenue (see Fla. Stat. §205.053). This means that you will be required to get a business tax receipt from your local municipality's tax collector's office, and in most instances another business tax receipt from the applicable county agency. The business tax receipt process may require that you visit or contact other departments, such as the zoning department, to finalize your application or to schedule needed inspections.

## DO THE DILIGENCE

New and transfer alcohol beverage dealer licensing involves many steps before submitting a completed application to the Florida Division of Alcoholic Beverages & Tobacco, and missing any one of the multiple steps could cause an expensive delay in opening your business.

Alcohol land use due diligence with respect to your locality is the starting point for any plan involving construction, renovation, or remodeling. You must stay on top of what local agencies require as well as the ramifications for liquor license approval to avoid any last minute local permit/approval surprises.

Be sure to familiarize yourself with Florida's Responsible Vendor Act to minimize your risk of a suspension or revocation of your license. ■

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# BLOOD IN THE WATER

AT HOME FOR HALLOWEEN

BY MARLENA HOFFMAN

**TJ** Fink drew on his knowledge as a spirits writer and mixologist in becoming “The Artisanal Alchemist” during the coronavirus shutdown as a virtual way to feature his cocktail recipes and photographs.

The self-proclaimed “sucker for a good story” recalls that when he learned about the spirits inspired by legendary “Irish pirate queen” Grace O’Malley, he instantly wanted to use the Grace O’Malley Heather-Infused Gin to create his own story.

The cocktail’s telling touch is a sunken splash of Campari. “Since I already had pirates on the brain, ‘blood in the water’ was the first thing that popped into my head when I saw the color separation,” Fink says.

Blood in the Water plays on its use of various bitter flavors—but flexibly, Fink explains. He settled on the gingery Bittermans Buckspice bitters but add: “Aside from ginger, this recipe works with a variety of different bitters: lavender, mint, grapefruit, and lemon flavors are all winners.” The botanical gin base meets the sweet profile of St. Germain elderflower liqueur followed by the bitter flavors and finally topped with floral notes of Campari.

Fink drew on his knowledge as a spirits writer and mixologist in creating “Cocktalian at Home” during the coronavirus shutdown as a blog to feature his recipes and photographs. ■



## ● BLOOD IN THE WATER

### Ingredients:

- 1¼ oz Grace O’Malley Heather-Infused Irish Gin
- ¼ oz St. Germain Liqueur
- 2 dashes Bittermans Buckspice Bitters
- Ginger Beer (unfiltered), to top off
- Splash of Campari
- Lime wedge
- Lemon/Lime wheels for garnish

**Method:** Combine gin, elderflower liqueur, and bitters in stirring glass. Squeeze lime wedge into the glass, and fill halfway with ice; stir briskly for 10 to 15 seconds. Strain mixture over clean ice; top off with ginger beer. Garnish with lemon/lime wheels and the splash of Campari. Walk the plank.

PHOTO GRAPH BY TJ FINK