

WHICH LIQUOR LICENSE IS RIGHT?

BY ELIZABETH A. DECONTI AND JOHN HARRIS

Given that the Florida Division of Alcoholic Beverages and Tobacco offers over 15 different license types for the on-premises sale and consumption of alcohol, selecting the right one can be confusing. But, of course, it is tremendously important. Here are some of the types, as well as conditions to consider.

THE 'SOCIAL CLUB' LICENSE (11C)

Social clubs, lodges, fraternal or benevolent associations, clubs devoted to community development, et al. may consider this license [officially named the Lodges and Other Club License for Beer, Wine and Liquor Consumption On Premises (11C)]. To be eligible, the applicant must have been organized and active in the county where located for at least two years. Service is open to members and non-resident guests, and the license fee is fairly inexpensive at \$400.00. (Veterans' organizations or fraternal organizations of a national scope are exempt from the two year organization requirement.)

(11CG) THE 'GOLF CLUB' LICENSE

Florida is loaded with golf courses and driving ranges. However, not all golf facilities may qualify for this license. The Private Golf Clubs Beer, Wine and Liquor Consumption On Premises (11CG) is designed for standard golf courses consisting of at least nine holes, a clubhouse, locker rooms and attendant golf facilities. The property must be at least 35 acres and may not be open to the general public. Some golf courses have a bar on the course (in addition to inside the clubhouse) or a mobile bar cart; these add-ons may be licensed with a "child license" which derives from the 11CG. Golf clubs applying for a golf club liquor license must also be in continuous active existence for at least two years in the same county, which can raise

questions if the golf course is in more than one county. However, a public golf club operated by any municipality (not a county) is not required to meet the two year active organization requirement.

(4COP) BEER, WINE AND LIQUOR CONSUMPTION ON PREMISES

Some establishments opt for a 4COP license if the Social Club or Golf Club license is not a fit. There are several types of 4COP licenses for different kinds of businesses (e.g., restaurants, bowling alleys, motels/hotels, clubs). A 4COP SFS license (Special Food Service – Restaurants) might be a fit for a club with a full-service restaurant which does not meet the requirements of a club license, or for a club owner who would rather operate with a regular retail liquor license. For example, a golf club with a full restaurant sitting on 25 acres which is open to the public or is semi-private might opt for the 4COP SFS license because it cannot meet the qualifications of a Golf Club license.

The 4COP-SFS liquor license carries operational restrictions. The licensee must earn 51% of its gross beverage and food revenues from the sale of non-alcoholic beverages and food, it must have at least 2,500 square feet, and must be able to serve at least 150 meals at a time. There are special legislative acts for some counties setting different 4COP SFS qualifications.

It is important for 4COP SFS license holders to know the law that authorizes their 4COP SFS liquor license so that they are not surprised by routine audit calculations and face revocation of their special liquor license. If a golf club decides that a 4COP SFS special liquor license is best, the club also may apply for a golf cart and 19th hole child license to go with the 4COP SFS main liquor license.

QUOTA LICENSE OPTION

If your premises does not qualify for one of the above licenses, you may need to consider more limited service (e.g., only beer and wine), or perhaps a quota license which allows for the sale and consumption of beer, wine, and spirits for on- and off-premises consumption. Quota licenses are purchased on the open market from private sellers or won in an annual drawing conducted by the state. Quota licenses in each county are based on the county population increases each year. Quota licenses can be very expensive, but they do not come with some of the restrictions and eligibility requirements of some of the other license types.

SPECIAL RESTRICTIONS ON ALL CLUB LIQUOR LICENSES

Here are two restrictions that apply to all club liquor licenses:

- Many clubs allow members and guests of members to bring alcohol into the club. Unfortunately, this type of conduct is prohibited by the Beverage Law, and all club licenses may only dispense or serve alcohol beverages the club has purchased from a licensed distributor or retail dealer.
- Officers (president, VP, secretary, and/or treasurer) of club liquor licenses have some personal risk if the club operates as a retail business selling and serving alcohol to non-members rather than operating as a members only club.

Of course, no matter which license which best suits a business model, compliance with the special requirements and restrictions is vital. can result in a license revocation or suspension. ■

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