

FREQUENTLY ASKED QUESTIONS RELATED TO RESTAURANTS AND ALCOHOLIC BEVERAGE VENDORS

PURSUANT TO EXECUTIVE ORDER 20-71 AS ISSUED MARCH 20, 2020

EXECUTIVE ORDER 20-71 BECAME EFFECTIVE IMMEDIATELY UPON ISSUANCE ON MARCH 20, 2020, AND WILL EXPIRE UPON THE EXPIRATION OF EXECUTIVE ORDER 20-52, INCLUDING ANY EXTENSIONS.

RESTAURANTS

Are restaurants still allowed to sell food?

Yes. However, pursuant to Executive Order 20-71, section 2, restaurants can no longer permit customers to eat on their premises. Nothing in Executive Order 20-71 prevents a restaurant from keeping their kitchens open and serving customers via delivery or take-out.

May customers enter a restaurant to order and pick up takeout orders?

Yes, but customers may not consume food and beverages in the restaurant, and restaurants should prevent the congregating of customers in the restaurant.

Do restaurants still have to screen their employees for symptoms of COVID-19?

Yes. Nothing in Executive Order 20-71 changes the enhanced precautionary measures described in Executive Order 20-68 that restaurants must take.

How should food service establishments screen employees for illness?

Managers/supervisors should meet each employee outside the establishment upon an employee's arrival for a work shift. The manager should evaluate the employee for obvious signs of illness and send the employee home if symptoms such as cough, fever, shortness of breath, sore throat, or signs of a respiratory infection, are directly observed.

Managers/supervisors should screen and prohibit any employee from entering the restaurant premises if the employee answers "yes" to any of the following questions:

- Are you currently experiencing signs or symptoms of respiratory infection, such as cough, fever, shortness of breath, or sore throat?*
- Have you had close contact with any person who has been tested and confirmed to be infected with COVID-19?*
- Have you returned from international travel or a cruise within the last 14 days?*
- Have you returned from travel to any area known to have high numbers of positive cases or community spread of COVID-19, including New York, New Jersey and Connecticut, within the last 14 days?*

Managers/supervisors should instruct their employees to notify them if they are diagnosed with COVID-19 or have had close contact with any person who has tested positive for COVID-19. Employees diagnosed with COVID-19 may not return to work until they have had two consecutive negative test results separated by 24 hours. Managers/supervisors should continue

to instruct their employees to notify them if they are experiencing symptoms of illness, as is required by the 2017 FDA Food Code. Employees who report symptoms of an illness should follow established restriction and exclusion protocols.

How will food service establishments screen their employees for contact with others who may be ill?

Managers/supervisors should instruct all employees to notify them immediately if they have been in contact with anyone diagnosed with COVID-19, or with anyone who has traveled through an airport or onboard a cruise ship within the past 14 days. Managers/supervisors should routinely ask their employees, upon an employee's arrival for work, whether they have been in contact with anyone diagnosed with COVID-19, or with anyone who has traveled through an airport or onboard a cruise ship within the past 14 days. Employees who respond affirmatively should be prohibited from working in the establishment until a period of at least 14 days has elapsed (from the time the contact occurred).

ALCOHOLIC BEVERAGE VENDORS

Are establishments allowed to sell alcoholic beverages?

Yes. Vendors licensed to sell alcoholic beverages for consumption on the premises must suspend the sale of alcoholic beverages for consumption on the premises, but they may sell alcoholic beverages in sealed containers for consumption off the premises for the duration of Executive Order 20-71.

Can a restaurant sell me an alcoholic beverage to go?

Yes. Additionally, a specially licensed food service establishment may make package sales of alcoholic beverages for delivery, take-out, or consumption off premises so long as certain conditions are met. Those conditions are: 1) any sale of an alcoholic beverage in a sealed container for consumption off-premises is accompanied by the sale of food within the same order; and 2) deliveries must comply with the requirements of section 561.57, Florida Statutes.

Can a vendor use a third party to delivery alcoholic beverages?

Yes, so long as the licensed vendor complies with the terms of section 561.57, Florida Statutes.

Does Executive Order 20-71 apply to licenses such as Series 11C, Series SBX, hotels, and other special license types?

Yes. Restaurants and bars within the licensed premises of any specially licensed vendor cannot permit the consumption of food or beverages within such areas for the duration of Executive Order 20-71. Airport terminals may be utilized for consumption of food and beverages but must adhere to the enhanced precautionary measures as outlined in Executive Order 20-68.

May a licensee that holds both a food service license and an alcoholic beverage license continue to make food service sales if alcohol sales for consumption on the premises have been suspended pursuant to the executive order?

Yes, they may. The prohibition on the sale of alcoholic beverages applies to all establishments licensed by the Division of Alcoholic Beverages and Tobacco that fall within the scope of the Executive Order, regardless of license type, business name, location, or business model. The

prohibition does not prevent sales of other products which the licensees are otherwise lawfully allowed to sell.

May an alcoholic beverage manufacturer that holds a vendor license for an adjacent tasting room allow only package sales of alcoholic beverages for off-premise consumption if the licensee is unable to continue with consumption on the premises pursuant to the restrictions of the order?

Yes. A manufacturer of alcoholic beverages may allow package sales in its adjacent vendor-licensed tasting room, even if sales for consumption on the premises have been suspended pursuant to the executive order.

What are the potential consequences for failing to abide by the terms and conditions of Executive Order 20-71?

Failure to comply with Executive Order 20-71 may result in administrative action being taken by the Department of Business and Professional Regulation against your license, including the issuance of an Emergency Suspension Order pursuant to section 120.60(6), Florida Statutes. Failure to comply with the provisions of the order may also subject persons or entities to additional enforcement action by other state or local law enforcement agencies.

May alcoholic beverage vendors sell liquor-based or wine-based mixed drinks for consumption off of the licensed premises?

No. Unless otherwise permitted by law, the sale of alcoholic beverages in sealed containers for consumption off-premises requires the containers to be sealed by the manufacturer.

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