

- 28 (2) Storage on the premises of the bottle club of alcoholic beverages as defined in F.S. §
29 561.01 during the hours when the premises are closed ~~of alcoholic beverages as~~
30 ~~defined in F.S. § 561.01;~~
- 31 (3) The entry and presence of persons under ~~nineteen (19)~~ twenty-one (21) years of age
32 during the hours when alcoholic beverages are permitted on the premises of the bottle
33 club;
- 34 (4) Employment of any person under eighteen (18) years of age, excepting those persons
35 described in F.S. § 562.13(2);
- 36 (5) ~~A bottle club also operating as a teen center must close for four (4) hours after~~
37 ~~operating as a teen center and before doing business as a bottle club. Operating or~~
38 being licensed as a dance hall, as defined in Sec. 14.5-101 of this code; or a smoking
39 lounge, defined as an establishment which is licensed as a retail tobacco products
40 dealer by the Florida Department of Business and Professional Regulation, Division of
41 Alcohol Beverages and Tobacco, which is dedicated, in whole or in part, for on-site
42 smoking of tobacco products, electronic cigarettes, or other smoked or vaporized
43 substances. The term includes establishments such as cigar lounges, which primarily
44 sells, serves, or dispenses cigars to customers from an inventory of at least 5,000
45 cigars; hookah lounges where customers inhale smoked or vaporized tobacco or a
46 similar smoking product from one or more hookahs placed throughout the
47 establishment; and vapor bars or lounges. The term does not include:
- 48 a. A place owned and operated by the federal, state, or local government;
- 49 b. A place owned and operated on a non-commercial basis by a bona fide
50 religious organization, created, organized, existing and recognized as such
51 pursuant to all applicable laws.
- 52 (6) Allowing any non-employee on or in the premises between 2:00 a.m. and 7:00 a.m.
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- 54 (7) Exceeding the posted occupancy limits;
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- 56 (8) Allowing the assembly or congregation of individuals in crowds on the premises in
57 such numbers as to block the use of any sidewalk or parking area under ownership and
58 control of the business as to prevent access to the premise by emergency or law
59 enforcement vehicles or personnel;
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- 61 (9) Allowing the possession or consumption of alcoholic beverages outside of the premises
62 building on property owned and controlled by the business.
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64 DIVISION 2. – LICENSE

65 66 Sec. 4-37. Application.

67 In obtaining a bottle club license the owner or operator shall submit to the ~~city tax and~~
68 ~~license division~~ Department of Financial Services an application containing the following:

- 69 (1) The name and address of the operator and also the name and address of the owner of
70 the premises in or upon which the bottle club will be operated, if the operator is not the
71 owner;
- 72 (2) The street address of the premises to be licensed;
- 73 (3) A certificate in writing from the city manager certifying that the premises to be
74 licensed carries a land use zoning classification that will permit the operation of a
75 bottle club from such premises. This certificate must be attached to the application
76 before the application will be received for filing; ~~All bottle clubs legally existing on
77 May 21, 1984, and which were in existence prior to the moratorium of October 24,
78 1983, may continue as valid existing uses;~~
- 79 (4) A certificate of the state department of health and rehabilitative services or the county
80 health department that the place of business wherein the bottle club business is to be
81 conducted meets all of the sanitary requirements of the state;
- 82 (5) Proof of the issuance of a State of Florida Bottle Club License (14BC) issued to the
83 business for the premise;
- 84 ~~(5)~~(6) A statement in writing from the city manager or his/her designee that both the
85 owner and operator:
- 86 a. Is not less than nineteen (19) years of age;
- 87 b. Has not been convicted within the last past five (5) years of any offense against
88 the beverage laws of this state, the United States, or any other state;
- 89 c. Has not been convicted within the last past five (5) years in this state, or any other
90 state or the United States of soliciting for prostitution, pandering, letting premises
91 for prostitution, keeping a disorderly place or illegally dealing in narcotics;
- 92 d. Has not been convicted in the last past five (5) years of any felony in this state,
93 and has not been convicted in any other state or the United States, of any offense
94 designated as a felony by such state or the United States;
- 95 e. If the owner and/or operator is a firm, corporation, partnership, joint venture or
96 other group enterprise, then the provisions set forth in subsections (5)a. through d.
97 above shall be applicable to:
- 98 1. Each officer or shareholder of the corporation holding more than a ten (10)
99 percent ownership interest thereof; and
- 100 2. Each member of the other group enterprises listed who have an ownership
101 interest therein of more than ten (10) percent.
- 102 f. As used herein, the term "conviction" shall include an adjudication of guilt of a
103 plea of guilty or nolo contendere or the forfeiture of a bond when charged with a
104 crime.
- 105 (7) Written confirmation from the Department of Sustainable Development, Building
106 Division that the licensed premises meets the applicable building, fire, and life safety
107 codes for the intended occupancy.

108 **Sec. 4-39. Renewal.**

- 109 (a) A licensee under this division ~~must shall be entitled to a renewal of his/her annual license~~
110 from year to year on or before October first of each year ~~as a matter of course~~ by providing
111 proof that the licensee continues to meet all of the requirements set forth in sec. 4-37 for
112 issuance of a permit and by paying the annual license fee established by the city.
- 113 (b) A license may be renewed subsequent to expiration each year only upon making to the tax
114 and license division a delinquent application for approval, including providing proof of
115 continuing to meet the requirements set forth in sec. 4-37, accompanied by an affidavit
116 stating that no bottle club activities were conducted subsequent to the expiration of the
117 license and upon payment of a penalty of five dollars (\$5.00) for each month or fraction of a
118 month of delinquency or upon payment of a penalty of five (5) percent of the license fee,
119 whichever amount is the greater. Any license not renewed within sixty (60) days of
120 expiration will be cancelled by the tax and license division unless such permit is involved in
121 litigation.

122 **Sec. 4-40. Revocation.**

- 123 (a) The city manager is hereby authorized to revoke any bottle club license issued pursuant to
124 this division whenever it is determined that the owner of the licensed property or the
125 operator of the bottle club, their agents or employees, have committed, or have been
126 convicted of, or have allowed or caused or permitted to exist any one (1) or more of the
127 following:
- 128 (1) An indictment, information, or a conviction regarding an act amounting to a felony
129 under the laws of the state, or the United States of America;
- 130 (2) The maintaining of a nuisance or the allowing of unsanitary conditions to exist on the
131 property upon which a bottle club is being conducted;
- 132 (3) Engaging in or permitting disorderly conduct on the property upon which a bottle club
133 is being conducted;
- 134 (4) Failure to comply with any of the provisions of the fire prevention code after having
135 received reasonable notice to eliminate or correct any condition existing on the
136 property upon which a bottle club is being conducted;
- 137 (5) Failure to comply with any of the provisions of the health and sanitation ordinances of
138 the city or laws of the state, after having received reasonable notice to eliminate or
139 correct any condition existing on the property upon which a bottle club is being
140 conducted;
- 141 (6) Conviction for giving, selling or permitting to be served alcoholic beverages to persons
142 under ~~nineteen (19)~~ twenty-one (21) years of age or permitting a person under ~~19~~ 21
143 years of age to possess or consume alcoholic beverages on the property upon which a
144 bottle club is being conducted;
- 145 (7) Conviction for conducting an act prohibited by section 4-23.
- 146 (8) Failure to maintain a current State of Florida Bottle Club License (14BC).

147 (b) Should the city manager revoke a bottle club license pursuant to the authority hereinabove
148 set forth, the aggrieved party, whether the owner or operator, may appeal the written notice
149 of revocation to the city commission. An appeal shall be filed within ten days of the
150 execution of the written notice by the city manager and such notice of appeal shall be filed
151 with the city clerk. The city commission shall consider either initially or finally the appeal
152 at its next meeting. The city commission may continue final action on the appeal for a
153 reasonable period to facilitate the presentation of the matter to the city commission.

154 **Section 2.** It is the intention of the City Commission that the provisions of Section 1
155 of this Ordinance shall become and be made a part of the Charter and the Code of Ordinances of
156 the City of Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be
157 renumbered or relettered in order to accomplish such intentions.

158 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
159 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
160 finding shall not affect the other provisions or applications of this ordinance that can be given
161 effect without the invalid or unconstitutional provision or application, and to this end the
162 provisions of this ordinance are declared severable.

163 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
164 such conflict hereby repealed.

165 **Section 5.** This ordinance shall become effective immediately upon adoption.

166 **PASSED AND ADOPTED THIS _____ DAY OF _____, 2024.**

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HARVEY L. WARD, JR.
MAYOR

ATTEST:

Approved as to form and legality

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KRISTEN J. BRYANT
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2024.

This ordinance passed on second reading this ____ day of _____, 2024.