

ORDINANCE NO. 2013-43

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO ALCOHOLIC BEVERAGES; SUBSTANTIALLY AMENDING THE ALCOHOLIC BEVERAGES CODE OF THE CITY AS IT RELATES TO THE PURCHASE, SALE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING NEW AND AMENDED DEFINITIONS; PROVIDING NEW AND AMENDED LAWFUL HOURS OF SERVICE, SALE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CERTAIN ESTABLISHMENTS; PROVIDING NEW CLOSING PROCEDURES FOR CERTAIN ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING NEW AND AMENDED RULES OF EVIDENCE IN THE ENFORCEMENT OF THE ALCOHOLIC BEVERAGE CODE; UPDATING TERMINOLOGY, DEFINITIONS, AND CROSS REFERENCES THROUGHOUT THE ALCOHOLIC BEVERAGES CODE; PROVIDING NEW AND AMENDED REGULATIONS FOR BOTH THE ON-PREMISE AND OFF-PREMISE PURCHASE, SALE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING NEW AND UPDATED REGULATIONS FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CERTAIN PUBLIC PROPERTY; PROVIDING CERTAIN EXEMPTIONS FROM RESTRICTIONS ON THE LAWFUL HOURS OF SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES; CREATING A DOWNTOWN LATE NIGHT PERMIT, INCLUDING ISSUANCE AND REVOCATION PROCEDURES, SPECIAL REGULATIONS RELATING TO THE AGE OF PATRONS WITHIN CERTAIN ESTABLISHMENTS, AGE VERIFICATION PROCEDURES, AND EXEMPTIONS FOR CERTAIN LIVE ENTERTAINMENT VENUES; DELETING CERTAIN REGULATIONS RELATING TO BOTTLE CLUBS; PROVIDING FOR NEW

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47 **PENALTIES AND METHODS OF**  
48 **ENFORCEMENT FOR VIOLATIONS OF**  
49 **CERTAIN PROVISIONS OF THE**  
50 **ALCOHOLIC BEVERAGES CODE;**  
51 **PROVIDING FOR SEVERABILITY, REPEAL**  
52 **OF CONFLICTING ORDINANCES,**  
53 **CODIFICATION, CORRECTION OF**  
54 **SCRIVENER'S ERRORS, AND AN**  
55 **EFFECTIVE DATE.**

56  
57 **WHEREAS**, just before 2:00 a.m. on May 7, 2011, 25-year-old nightclub  
58 employee Milton Torres was fatally stabbed during a fight outside of a Orange  
59 Avenue nightclub in downtown Orlando; and  
60

61 **WHEREAS**, a few minutes before 2:00 a.m. on September 15, 2011, 21-  
62 year-old Victoria Straughter was shot and killed near Pine Street and Garland  
63 Avenue in downtown Orlando; and  
64

65 **WHEREAS**, Ms. Straughter's 21-year-old killer had gotten into a fight with  
66 a man outside a nearby nightclub just before the shooting;  
67

68 **WHEREAS**, a few minutes after 2:00 a.m. on June 15, 2012, a fight  
69 broke out between two groups of men and women at a nightclub on Orange  
70 Avenue in downtown Orlando; and  
71

72 **WHEREAS**, after spilling into an alleyway adjacent to the nightclub, the  
73 fight resulted in the shooting death of teenager Dino Cannon; and  
74

75 **WHEREAS**, Dino Cannon was visiting Orlando with his family to celebrate  
76 his recent graduation from high school and eighteenth birthday; and  
77

78 **WHEREAS**, a few days later on June 24, 2012, 23-year-old Pedro Manuel  
79 Gallardo was shot just before 3:00 a.m. in the City's parking garage at 53 W.  
80 Central Boulevard in downtown Orlando; and

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**WHEREAS**, several days later, he died from his injuries; and

**WHEREAS**, the Orlando Police Department reports that in 2010, there were 7 cases of forcible sex offenses committed in downtown Orlando, in 2011 there were 9, and in 2012, 12; and

**WHEREAS**, the Orlando Police Department reports that in 2010, there were 46 cases of robbery committed in downtown Orlando, in 2011 there were 59, and in 2012, 43; and

**WHEREAS**, the Orlando Police Department reports that in 2010, there were 115 cases of aggravated assault committed in downtown Orlando, in 2011 there were 139, and in 2012, 149; and

**WHEREAS**, the Orlando Police Department reports that in 2010, there were 455 cases of simple assault committed in downtown Orlando, in 2011 there were 542, and in 2012, 681; and

**WHEREAS**, the Orlando Police Department reports that in 2010, there were 177 cases of drug or narcotic offenses committed in downtown Orlando, in 2011 there were 122, and in 2012, 200; and

**WHEREAS**, the crime data cited above indicate a clear upward trend in reported incidents for selected crimes in downtown Orlando during the 2010 to 2012 period; and

**WHEREAS**, the Police Chief reports that a disproportionate number of serious crimes reported in downtown Orlando, particularly assaults, homicides, narcotics offenses, and forcible sex crimes, are associated with excessive alcohol consumption in nightclubs; and

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**WHEREAS**, there are currently more than 80 establishments in downtown Orlando that are licensed by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, to serve alcoholic beverages; and

**WHEREAS**, many of these establishments are within close proximity to each other; and

**WHEREAS**, at night, this large concentration of alcoholic beverage establishments and great number of patrons has created certain negative impacts and a need for exceptional law enforcement and fire and rescue personnel and resources; and

**WHEREAS**, the ability to sell, offer for sale, deliver, or allow consumption of alcoholic beverages on-premises beyond midnight in downtown Orlando is hereby declared to be, and is, a privilege subject to modification, suspension, or termination under the police powers of the City; and

**WHEREAS**, no person or establishment in downtown Orlando may reasonably rely on a continuation of this privilege and the regulations provided in this ordinance are found to be a reasonable and balanced adjustment of this privilege in order to better protect the health and safety of the public; and

**WHEREAS**, alcoholic beverage establishments require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of and visitors to the City; and

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141           **WHEREAS**, the Orlando City Council finds that alcoholic beverage  
142 establishments are, as a category of commercial use, sometimes used for  
143 unlawful activities such as underage drinking and illegal drug use; and  
144

145           **WHEREAS**, there is convincing, competent, and substantial documented  
146 evidence that certain alcoholic beverage establishments, as a category of  
147 commercial use, have deleterious and negative secondary effects on surrounding  
148 land uses and communities, and are frequently associated with crime, noise,  
149 vandalism, and the diminution of surrounding property values; and  
150

151           **WHEREAS**, the legal age to purchase and consume alcoholic beverages  
152 is 21 in Florida and in every other state in the nation; and  
153

154           **WHEREAS**, however, in some states and municipalities, 18 to 20-year-  
155 olds are allowed into nightclubs and other alcoholic beverage establishments,  
156 placing them in an environment prone to underage alcohol abuse; and  
157

158           **WHEREAS**, even though they may not be served, underage patrons often  
159 manage to obtain alcohol from older friends, through the use of fraudulent  
160 identification, borrowed wristbands, hand stamps that easily wash off, and  
161 sometimes indifferent or busy bar staff; and  
162

163           **WHEREAS**, realistically, bar staff cannot always adequately supervise  
164 dark, crowded, and noisy nightclubs for underage drinking; and  
165

166           **WHEREAS**, underage drinking has very serious consequences, including  
167 alcohol related automobile crashes and fatalities, driving under the influence,  
168 sexual assaults, assaults, batteries, homicides, alcohol poisonings, and other  
169 criminal behavior; and  
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171           **WHEREAS**, currently at least 15 cities or counties in Florida, including Ft.  
172           Lauderdale, Gainesville, Ft. Myers, West Palm Beach, Broward County, Boca  
173           Raton, and Miami Beach, have enacted ordinances to restrict bar patrons to ages  
174           21 and up; and

175  
176           **WHEREAS**, Ft. Lauderdale has reported a 34% decrease in crime in their  
177           downtown entertainment district shortly after their 21-and-up ordinance went into  
178           effect; and

179  
180           **WHEREAS**, the Ft. Myers Police Department reported a 40% decrease in  
181           calls for service from bars once their 21-and-up ordinance went into effect; and

182  
183           **WHEREAS**, as provided in section 2(b), Article VIII of the Constitution of  
184           the State of Florida, and section 166.021(1), Florida Statutes, the City of Orlando,  
185           Florida, a municipal corporation, enjoys all governmental, corporate, and  
186           proprietary powers necessary to conduct municipal government, perform  
187           municipal functions, and render municipal services, and may exercise any power  
188           for municipal purposes, except as expressly prohibited by law; and

189  
190           **WHEREAS**, as provided in section 166.021(3), Florida Statutes, the  
191           governing body of each municipality in the state has the power to enact  
192           legislation concerning any subject matter upon which the state legislature may  
193           act, except when expressly prohibited by law; and

194  
195           **WHEREAS**, the Orlando City Council hereby finds that this ordinance  
196           advances an important government purpose by reducing the likelihood of  
197           underage drinking and incidents of violent crime associated with downtown  
198           nightclubs; and

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200           **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in  
201           the best interest of the public health, safety, and welfare; and

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**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:**

**SECTION 1. SEC. 5.03, AMENDED.** Section 5.03, Code of the City of Orlando, Florida, is hereby amended as follows:

**Sec. 5.03. Jurisdiction.**

(1) The Code Enforcement Board shall have the jurisdiction to hear and decide alleged violations of, and pursuant to Section 5.12 citations may be issued for alleged violations of, the following codes and ordinances of the City of Orlando:

(a) Building Security Code—Chapter 9 of the Code of the City of Orlando.

(b) Building Code—Chapter 13 of the Code of the City of Orlando.

(c) Electrical Code—Chapter 22 of the Code of the City of Orlando.

(d) Communications Right-of-Way Utilization Ordinance—Chapter 23 of the Code of the City of Orlando.

(e) Fire Prevention Code—Chapter 24 of the Code of the City of Orlando.

(f) Garbage, Trash and Weeds—Chapter 28 of the Code of the City of Orlando.

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232 (g) Gas Piping, Appliances and Installation Code—Chapter 29 of  
233 the Code of the City of Orlando.

234

235 (h) Regulation of Sewer Use and Rates—Chapter 30 of the Code of  
236 the City of Orlando.

237

238 (i) Minimum Standards Code—Chapter 30A of the Code of the City  
239 of Orlando.

240

241 (j) Stormwater Utility Code—Chapter 31 of the Code of the City of  
242 Orlando.

243

244 (k) Lakes—Chapter 35 of the Code of the City of Orlando.

245

246 (l) Licenses—Chapter 36 of the Code of the City of Orlando.

247

248 (m) Noise—Chapter 42 of the Code of the City of Orlando.

249

250 (n) Trees and Shrubs—Sections 43.32 through and  
251 including 43.34 of Chapter 43 of the Code of the City of Orlando.

252

253 (o) Plumbing Code—Chapter 47 of the Code of the City of Orlando.

254

255 (p) Air Conditioning, Refrigeration, Heating and Ventilating Code—  
256 Chapter 47A of the Code of the City of Orlando.

257

258 (q) Streets and Sidewalks—Chapter 54 of the Code of the City of  
259 Orlando.

260

261 (r) Regulation of Taxicabs, Limousines, Luxury Sedans, Shuttles  
262 and other Vehicles-for-Hire—Chapter 55 of the Code of the City of Orlando.



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(s) Land Development Regulations of the City of Orlando, more particularly:

- Chapter 58—Zoning Districts and Uses
- Chapter 59—Concurrency Management
- Chapter 60—Subdivision and Landscaping
- Chapter 61—Roadway Design and Access Management
- Chapter 62—Historic Preservation and Architectural Design
- Chapter 63—Environmental Protection
- Chapter 64—Signs
- Chapter 65—Officers, Boards and Procedures
- Chapter 66—Definitions

(t) Gasoline Station Sign Requirements—Section 43.89 of the Code of the City of Orlando.

(u) Alcoholic Beverages – Chapter 33 of the Code of the City of Orlando.

(2) The jurisdiction of the City of Orlando Code Enforcement Board shall not be exclusive. Nothing in this Article shall be construed to prohibit the City from enforcing its codes and ordinances by any other means including, but not limited to, a summons, a notice to appear in County Court, an arrest, issuance of a citation, a civil action for injunctive relief, a stop work order, or demolition.

**SECTION 2. SEC. 5.19, AMENDED.** Violations of section 33.03, 33.05, 33.06, 33.07, 33.09, and 33.12, Code of the City of Orlando, are hereby made Class IV civil infractions within the meaning of subsection 5.19(1), Code of the City of Orlando. The City Clerk shall amend the table found at subsection 5.19(2), Code of the City of Orlando, in accordance with this section.

294           **SECTION 3. SEC. 33.01, AMENDED.** Section 33.01, Code of the City of  
295 Orlando, Florida, is hereby amended as follows:

296  
297       **Sec. 33.01. Conformity with State Law.**

298  
299           ~~The provisions of t~~This Chapter shall be construed according to and in  
300 conformity with the acts of the legislature of the State~~laws and regulations of~~  
301 Florida concerning alcoholic beverages, commonly referred to and referred to  
302 herein as the “Beverage Law,” consisting of Chapters 561-565, 567, and 568,  
303 Florida Statutes chs. 561, 562, 563, 564, and 565, as amended, and the Florida  
304 administrative regulations implementing the statutes, as amended.

305  
306           **SECTION 4. SEC. 33.02, AMENDED.** Section 33.02, Code of the City of  
307 Orlando, Florida, is hereby amended as follows:

308  
309       **Sec. 33.02. Classifications and Definitions.**

310  
311           The classifications and definitions contained in the Beverage Law are  
312 hereby adopted as the classifications and definitions for this Chapter. Additional  
313 definitions for this Chapter are set forth as follows:

314  
315           ~~(1) Arena shall mean the downtown arena facility located at 400 W.~~  
316 ~~Church Street, Orlando, Florida, 32801.~~

317  
318           (a) Alcoholic beverage establishment (also sometimes referred to as  
319 “establishment”) means any establishment that operates for profit and possesses  
320 an alcoholic beverage license issued by Florida’s Department of Business and  
321 Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau  
322 of Licensing, or successor agency, which license allows consumption of alcoholic  
323 beverages on-premises. For the purposes of this Chapter, movie theaters and  
324 package stores are not considered alcoholic beverage establishments.

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(b) Amway Center means the sports and entertainment arena located at 400 W. Church Street in Downtown Orlando.

(c) Central Florida Fairgrounds means the approximately 87-acre fairgrounds and exposition park located at 4603 W. Colonial Drive in Orlando.

(d) Dr. Phillips Center for Performing Arts means the multi-hall performing arts center located across Orange Avenue from Orlando City Hall, primarily on the block bound by South Street, Anderson Street, Rosalind Avenue, and Magnolia Avenue, and also including the appurtenant public plaza located on the block bound by South Street, Anderson Street, Magnolia Avenue, and Orange Avenue.

(e) Downtown CRA means the area within the jurisdictional boundaries of the City of Orlando Community Redevelopment Agency's Downtown Community Redevelopment Area established and amended from time to time pursuant to Part III, Chapter 163, Florida Statutes.

(f) Dubsdread Golf Course means the public golf course located at 549 W. Par Street in Orlando.

(g) Electronic identification verification equipment means a device approved by the Chief of Police that is utilized by vendors to determine the authenticity of identification presented by persons at alcoholic beverage establishments.

(h) Florida Citrus Bowl (also sometimes referred to as the "Citrus Bowl") means the outdoor sports and entertainment stadium located at 1 Citrus Bowl Place in Downtown Orlando.

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356            (i) Harry P. Leu Gardens (also sometimes referred to as “Leu Gardens”)  
357 means the approximately 50-acre botanical garden located at 1920 N. Forest  
358 Avenue in Orlando.

359  
360            (j) Heritage Square means the public park located next to the Orange  
361 County Regional History Center at 65 E. Central Boulevard in Downtown  
362 Orlando.

363  
364            ~~(2) Commercial Establishment shall mean any establishment which~~  
365 ~~operates for pecuniary gain.~~

366  
367            ~~(3) Football Stadium shall mean the football stadium adjacent to Tinker~~  
368 ~~Field located at 1610 West Church Street, Orlando, Florida 32805.~~

369  
370            (k) Mayor Bob Carr Performing Arts Centre (also sometimes referred to as  
371 the “Bob Carr Performing Arts Centre”) means the arts and entertainment  
372 auditorium located at 401 W. Livingston Street in Downtown Orlando.

373  
374            (l) Movie theater means a building or part of a building open to the public  
375 that is designed for and used primarily for the exhibition of motion pictures, which  
376 advertises as a movie theater, shows films at all times it is open to the public on  
377 a regular schedule which is advertised, and has at least two auditoriums for  
378 viewing of films with at least 100 permanently-affixed stadium seats per  
379 auditorium and one permanently-affixed large commercial screen per auditorium.

380  
381            ~~(4) Normal Business Hours means those hours during which the~~  
382 ~~establishment may lawfully serve, dispense or sell alcoholic beverages pursuant~~  
383 ~~to Section 33.03 of this Code.~~

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385 (m) Orlando Executive Airport means the public general aviation airport  
386 located approximately three miles east of Downtown Orlando at 365  
387 Rickenbacker Drive in Orlando.

388  
389 (n) Orlando International Airport means the major international airport  
390 located at 1 Jeff Fuqua Boulevard in Orlando.

391  
392 ~~(5) A business whose principal business is the sale of alcoholic~~  
393 ~~beverages is a business whose gross sales of alcoholic beverages comprises~~  
394 ~~fifty one percent (51%) or more of the total gross sales of food, non-alcoholic~~  
395 ~~beverages and alcoholic beverages for on-premises consumption during normal~~  
396 ~~business hours as defined in this section.~~

397  
398 (o) Packaged (or "package," and other iterations of the term) beverages  
399 means alcoholic beverages in original sealed containers as received from the  
400 distributor for consumption off-premises only.

401  
402 (p) Package store means vendors licensed by the state to sell alcoholic  
403 beverages in original sealed containers as received from the distributor for  
404 consumption off the premises only.

405  
406 (q) Premises means "licensed premises" as defined by the Beverage Law.

407  
408 ~~(6) (r) Prohibited hHours are means~~ those hours during which the  
409 establishment may not lawfully serve, dispense, or sell alcoholic beverages  
410 pursuant to ~~this Chapter~~ Section 33.03 of this Code.

411  
412 ~~(7) Premises shall mean a building that is under one roof or has common~~  
413 ~~entrances and the area immediately surrounding the building, together with the~~  
414 ~~"licensed premises" as defined in the state Beverage Law.~~

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416           (s) Sale means payment in exchange for an alcoholic beverage without  
417 regard for whether payment is made at the time of service.

418  
419           (t) Vendor means any person who keeps for sale, sells, or dispenses any  
420 alcoholic beverage in any quantity in any place or business licensed by the state  
421 for the sale of alcoholic beverages, or any person who holds a license from the  
422 state for the sale of alcoholic beverages, including the owner, manufacturer,  
423 operator, proprietor, licensee, or any employee or other person working at the  
424 licensee's place of business.

425  
426           **SECTION 5. SEC. 33.03, AMENDED.** Section 33.03, Code of the City of  
427 Orlando, Florida, is hereby amended as follows:

428  
429 **Sec. 33.03. Hours of Service, ~~or Sale,~~ and Consumption.**

430  
431           (a) On-premises consumption. The following regulations apply to the  
432 service, sale, and consumption of alcoholic beverages at premises licensed for  
433 the on-premises consumption of alcoholic beverages.

434  
435           1. Licensed premises outside the Downtown CRA. It is hereby  
436 made unlawful and a violation of this part to sell or serve alcoholic beverages, or  
437 to allow alcoholic beverages to be sold or served, in licensed premises located  
438 outside the boundaries of the Downtown CRA between the hours of 2:00 a.m.  
439 and 7:00 a.m.

440  
441           2. Licensed premises within the Downtown CRA. Except as  
442 provided by section 33.07 of this Code, it is hereby made unlawful and a violation  
443 of this part to sell or serve alcoholic beverages, or to allow alcoholic beverages to  
444 be sold or served, in licensed premises located within the boundaries of the  
445 Downtown CRA, between the hours of 12:00 a.m. and 7:00 a.m.

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447 A. Exemption. Vendors inside movie theaters within the  
448 Downtown CRA may sell and serve alcoholic beverages, and allow alcoholic  
449 beverages to be sold and served, between the hours of 7:00 a.m. and 2:00 a.m.  
450 the following day.

451  
452 3. Closing Procedures.

453  
454 A. At the point in time each day that it becomes unlawful to  
455 sell or serve, or allow to be sold or served, alcoholic beverages, as provided in  
456 subsubsections 33.03(a) 1. and 2., subsubsubsection 33.03(a)2.A., subsection  
457 33.07(i), subsubsubsection 33.07(i)1., and subsubsubsection 33.03(a)6.D of this  
458 Code, all vendors then conducting business must:

459  
460 i. Close, or cause to be closed, all entrances to the  
461 licensed premises, except to allow customers to leave, or to allow employees  
462 and official first responders to enter or leave.

463  
464 ii. Prohibit, or cause to be prohibited, any person,  
465 except for employees and official first responders, from entering the licensed  
466 premises.

467  
468 iii. Post or light, or cause to be posted or lit, a  
469 conspicuous sign with the word "closed" displayed in copy of at least 16 square  
470 inches. The sign must be posted in a prominent location at or adjacent to each  
471 entrance to the licensed premises. The sign must be posted or lit for at least 30  
472 minutes from the point in time each day that it becomes unlawful to sell or serve  
473 alcoholic beverages or to allow alcoholic beverages to be sold or served.

474  
475 iv. Light, or cause to be lit, all customer areas of the  
476 licensed premises to at least five foot candles at floor or ground level. The  
477 customer areas must be lit for at least 30 minutes from the point in time each day

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478 that it becomes unlawful to sell or serve alcoholic beverages or to allow alcoholic  
479 beverages to be sold or served.

480  
481 v. Remove, or cause to be removed, all alcoholic  
482 beverages within 30 minutes. For the purposes of this part, the word “remove,”  
483 and its iterations, means “to make inaccessible to customers.”

484  
485 vi. Require all customers, or cause all customers to  
486 be required, to leave the licensed premises within 45 minutes.

487  
488 4. It is hereby made unlawful and a violation of this part to consume  
489 alcoholic beverages, or to allow alcoholic beverages to be consumed, 30 or more  
490 minutes after the point in time each day that it becomes unlawful to sell or serve,  
491 or allow to be sold or served, alcoholic beverages, as provided in subsections  
492 33.03(a) 1. and 2., subsubsection 33.03(a)2.A., subsection 33.07(i),  
493 subsubsection 33.07(i)1., and subsubsection 33.03(a)6.D of this Code.

494  
495 5. It is hereby made unlawful and a violation of this part to remain  
496 within a licensed premises, or to allow any person to remain within a licensed  
497 premises, 45 or more minutes after the point in time each day that it becomes  
498 unlawful to sell or serve, or allow to be sold or served, alcoholic beverages, as  
499 provided in subsections 33.03(a) 1. and 2., subsubsection 33.03(a)2.A.,  
500 subsection 33.07(i), subsubsection 33.07(i)1., and subsubsection 33.03(a)6.D  
501 of this Code, except that employees of the vendor and official first responders  
502 may remain within the premises.

503  
504 6. *General Exemptions.* The following are hereby made exempt  
505 from subsections 1. and 2. of this subsection:

506  
507 A. *The Orlando International Airport and the Orlando*  
508 *Executive Airport.*



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B. Leu Gardens, Heritage Square, Amway Center, the Citrus Bowl, Tinker Field, the Bob Carr Performing Arts Centre, Dubsdread Golf Course, and the Dr. Phillips Center for Performing Arts.

C. The Central Florida Fairgrounds if approved by the Chief of Police on a case-by-case basis. In approving a request to exempt the Central Florida Fairgrounds, the Chief of Police may impose terms and conditions as necessary to promote the public health, safety, and welfare.

D. Alcoholic beverages may be sold and served at licensed premises throughout the City until 3:00 a.m. on New Year's Day.

(b) Off-premises consumption. It is hereby made unlawful and a violation of this part to sell alcoholic beverages for off-premises consumption, or to allow alcoholic beverages to be sold for off-premises consumption, between the hours of 2:00 a.m. and 7:00 a.m.

1. Exemption. Premises licensed for the sale of duty-free packaged alcoholic beverages for off-premises consumption at the Orlando International Airport. Such sales are exempt from subsection (b) of this section if they are duty-free, packaged for off-premises consumption, and are made to an outbound international passenger.

~~No alcoholic beverages shall be sold or consumed or served or permitted to be served or consumed in any commercial establishment whose principal business is the sale of alcoholic beverages or sold at any other place in any manner between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, except as hereinafter provided. No alcoholic beverages may be sold or consumed or served or permitted to be served or consumed in any commercial establishment whose principal business is the sale of alcoholic beverages or sold~~

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540 at any other place in any manner between 2:00 a.m. and 12:00 noon on  
541 Sundays, except as hereinafter provided.

542

543 ~~Within the meaning of this Chapter, sale shall be regarded as being made~~  
544 ~~if the alcoholic beverage is delivered to any person during prohibited hours~~  
545 ~~regardless of whether payment therefor is made at some other time. If such~~  
546 ~~commercial establishment be a corporation, then the officers of such corporation~~  
547 ~~shall be regarded as the owners thereof for purposes of enforcement of this~~  
548 ~~Chapter. If such commercial establishment be a private club, then the officers of~~  
549 ~~such club shall be regarded as the owners thereof for purposes of enforcement~~  
550 ~~of this Chapter.~~

551

552 ~~1. Any person or corporation which dispenses alcoholic beverages in the~~  
553 ~~City for consumption on the establishment's licensed premises and whose~~  
554 ~~principal business during normal business hours is the sale of alcoholic~~  
555 ~~beverages shall be closed during the period of time outside of normal business~~  
556 ~~hours, except as provided in subparagraphs 33.03(2), (3), and (4). Any such~~  
557 ~~commercial establishment shall at the hour of 2:00 a.m., cause all outside lights~~  
558 ~~on the premises occupied by it to be extinguished and shall cause all entrances~~  
559 ~~and exits to such establishment to be locked, and the entrances and exits shall~~  
560 ~~not be opened during the prohibited hours except to admit the proprietor and his~~  
561 ~~or her employees to enter and to permit the egress of the proprietor, employees~~  
562 ~~and customers or members of such place from the premises. In no instance shall~~  
563 ~~open containers of alcoholic beverages be accessible to customers or members~~  
564 ~~or be permitted to be in the open patronage area of the commercial~~  
565 ~~establishment one-half hour after the time for cessation of alcoholic beverage~~  
566 ~~sales has expired. Customers or members within the establishment shall be~~  
567 ~~required by the proprietor or his or her employees to leave the establishment~~  
568 ~~within one hour after the time for cessation of alcoholic beverage sales has~~  
569 ~~expired. Nothing herein contained shall be construed so as to permit any place to~~

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570 ~~sell, serve, or permit alcoholic beverages to be sold or served during prohibited~~  
571 ~~hours.~~

572

573 ~~2. Anything herein to the contrary notwithstanding, establishments located~~  
574 ~~at public transportation facilities on property owned, operated, or controlled by~~  
575 ~~the City of Orlando, and holding a beverage license authorizing the sale or~~  
576 ~~service of alcoholic beverages for consumption on premises, shall be permitted~~  
577 ~~to sell or serve alcoholic beverages for consumption on premises between the~~  
578 ~~hours of 7:00 p.m. and 2:00 p.m. each day of the week, including Sunday.~~

579

580 ~~3. Anything herein to the contrary notwithstanding, establishments located~~  
581 ~~at Orlando International Airport which sell duty free packaged alcoholic~~  
582 ~~beverages shall be permitted to sell such duty free packaged alcoholic~~  
583 ~~beverages to outgoing international passengers only, without regard to the hour~~  
584 ~~of the day or the day of the week.~~

585

586 ~~4. Heritage Square, H.P. Leu Gardens and Orlando Venues facilities to~~  
587 ~~include the Arena, Football Stadium, Tinker Field, Bob Carr Performing Arts~~  
588 ~~Centre and Expo Centre, and events taking place at those facilities, shall be~~  
589 ~~exempt from the provisions of this section.~~

590

591 ~~5. All facilities under the jurisdiction and supervision of the City~~  
592 ~~Department of Families, Parks and Recreation, and events taking place at such~~  
593 ~~facilities, may be exempted from the provisions of this section by the Families,~~  
594 ~~Parks and Recreation Director, upon such terms and conditions as he or she~~  
595 ~~may impose.~~

596

597 ~~6. The Central Florida Fairgrounds and the City streets, sidewalks or~~  
598 ~~alleys, and events taking place at such facility or on such streets, sidewalks or~~  
599 ~~alleys, may be exempted from the provisions of this section by the Chief of Police~~  
600 ~~upon such terms and conditions as he or she may impose; provided, however,~~

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601 ~~that as to streets, sidewalks and alleys, the requirements of subsection 33.06(6)~~  
602 ~~must be met.~~

603  
604 ~~7. Activities sponsored or co-sponsored by a governmental entity which~~  
605 ~~are held on premises where alcoholic beverages are dispensed and whose~~  
606 ~~principal business is the sale of alcoholic beverages may be held outside normal~~  
607 ~~business hours, provided that no alcoholic beverages are sold or dispensed~~  
608 ~~during prohibited hours.~~

609  
610 ~~8. Alcoholic beverages may be sold in any place holding a license under~~  
611 ~~the Division of Beverage, State Department of Business Regulation, which~~  
612 ~~license permits package sale of alcoholic beverages by the licensee for~~  
613 ~~consumption off the premises of the licensee, between the hours of 12:00 noon~~  
614 ~~and 12:00 midnight on Sundays and between the hours of 7:00 a.m. and 2:00~~  
615 ~~a.m. the following day, Monday through Saturday.~~

616  
617 ~~9. Commercial establishments selling alcoholic beverages for off-site~~  
618 ~~consumption which are annexed into the City of Orlando after September 13,~~  
619 ~~1999, may sell alcoholic beverages outside of the hours of sale set forth in this~~  
620 ~~section provided such commercial establishments obtain and display a Certificate~~  
621 ~~of Extended Hours of Sale, signed by the Chief Administrative Officer of the City.~~  
622 ~~The Chief Administrative Officer may provide a Certificate of Extended Hours of~~  
623 ~~Sale to any commercial establishment annexed into the City after September 13,~~  
624 ~~1999, to allow the establishment to sell alcoholic beverages for off-site~~  
625 ~~consumption during hours otherwise prohibited by this section. In no event shall~~  
626 ~~the certificate allow the sale of alcoholic beverages for off-site consumption~~  
627 ~~during hours that exceed the regular and permitted hours of sale for the~~  
628 ~~commercial establishment prior to its annexation. Such certificate shall be~~  
629 ~~surrendered by the commercial establishment prior to the issuance of a building~~  
630 ~~permit for the substantial enlargement or substantial improvement of the~~  
631 ~~establishment.~~

632  
633           ~~10. On January 1, of any year, the hours of operation to sell alcoholic~~  
634 ~~beverages by any establishment licensed to sell alcoholic beverages, and the~~  
635 ~~related requirements of subsection (1), are extended from 2:00 a.m. to 3:00 a.m.~~  
636

637           ~~11. For special events or occasions, Council may extend the hours of~~  
638 ~~alcoholic beverages sales, and the related requirements of subsection 1 of this~~  
639 ~~section, by one additional hour.~~  
640

641           **SECTION 6. SEC. 33.04, AMENDED.** Section 33.04, Code of the City of  
642 Orlando, Florida, is hereby amended as follows:  
643

644           **Sec. 33.04. "Alcoholic Beverages" Defined; Rules of Evidence and**  
645 **Enforcement of this in Prosecutions for Violations of Chapter.**  
646

647           ~~(1) For purposes of this Chapter, alcoholic beverages means all~~  
648 ~~beverages containing more than one per cent of alcohol by weight.~~  
649

650           (a) (2) In all prosecutions for violations of this Chapter, the manufacturer's  
651 label on the beverage container shall be prima facie evidence that the substance  
652 in such container was and is an alcoholic beverage ~~as defined in this section.~~  
653

654           (b) (3) Any person ~~or persons~~ who by experience ~~in the past~~ in the  
655 handling or use of alcoholic beverages, or who by taste, smell, or the drinking of  
656 such beverages has knowledge as to the alcoholic nature thereof, may testify as  
657 to his or her opinion whether such beverage is or is not alcoholic, and a verdict  
658 based upon such testimony shall be valid.  
659

660           (c) If an establishment is owned or operated by a corporation, then the  
661 officers of the corporation shall be regarded as the owners or operators of the  
662 establishment for purposes of enforcement of this Chapter. If an establishment is

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663 a private club, then the officers of such club shall be regarded as the owners of  
664 the private club for purposes of enforcement of this Chapter.

665  
666 (d) In all prosecutions for violations of this Chapter, an alcoholic beverage  
667 establishment licensed by the State of Florida to dispense alcoholic beverages  
668 on the premises shall be rebuttably presumed to be an establishment at which  
669 alcoholic beverages are sold, consumed, or served or permitted to be sold,  
670 consumed, or served. Evidence that a business has been issued a license by  
671 the State of Florida Division of Alcoholic Beverages and Tobacco shall be prima  
672 facie evidence that a business is an alcoholic beverage establishment as defined  
673 in this Chapter.

674  
675 (e) In all prosecutions for violations of this Chapter, an alcoholic beverage  
676 establishment which has been issued an “Alcoholic Beverage” or “Bar/Lounge  
677 Retail” business tax receipt pursuant to Chapter 36 of this Code shall be  
678 rebuttably presumed to be an alcoholic beverage establishment at which  
679 alcoholic beverages are sold, consumed, or served or permitted to be sold,  
680 consumed, or served. Evidence that a business has been issued an “Alcoholic  
681 Beverage” or “Bar/Lounge Retail” business tax receipt pursuant to Chapter 36 of  
682 this Code shall be prima facie evidence that a business is an alcoholic beverage  
683 establishment as defined in this Chapter.

684  
685 **SECTION 7. SEC. 33.05, AMENDED.** Section 33.05, Code of the City of  
686 Orlando, Florida, is hereby amended as follows:

687  
688 **Sec. 33.05. Consumption or Possession at ~~Stadium~~Citrus Bowl Prohibited.**

689  
690 It is hereby made unlawful and a violation of this section to consume or  
691 possess alcoholic beverages at the Florida Citrus Bowl if any part of the venue is  
692 being used for an event by a private or public school.~~During any and all public or~~  
693 ~~private secondary school athletic events the consumption or possession of~~

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694 ~~alcoholic beverages upon that certain municipally owned property popularly~~  
695 ~~known as the Florida Citrus Bowl at Orlando be, and the same is hereby,~~  
696 ~~prohibited and made unlawful.~~

697

698 **SECTION 8. SEC. 33.06, AMENDED.** Section 33.06, Code of the City of  
699 Orlando, Florida, is hereby amended as follows:

700

701 **Sec. 33.06. Open Containers of Alcohol on Public Property Prohibited;**  
702 **Exceptions.**

703

704 (a) It is hereby made unlawful and a violation of this subsection ~~for any~~  
705 ~~person to sell, consume, or possess any alcoholic beverage, in any cup, glass,~~  
706 ~~can, or other open or unsealed container, at or within any public property within~~  
707 ~~the corporate limits of the City, including, but not limited to, any public building,~~  
708 ~~facility, park, playground, recreational facility, street, sidewalk, right-of-way,~~  
709 ~~parking lot, and any other property owned or controlled by the City of Orlando,~~  
710 ~~except in vehicles on roads as defined in Sec. 316.1936, Florida Statutes, which~~  
711 ~~are enforceable as noncriminal violations.~~

712

713 (b) The following locations are ~~excepted~~ exempt from the prohibitions ~~of~~ in  
714 subsection (a) above:

715

716 (1.) The sale, consumption, and possession of alcoholic beverages  
717 is permitted at or within a public building or facility when specifically authorized  
718 by the terms of any lease, concession agreement, or other agreement approved  
719 by City Council, and in compliance with ~~state~~ the Beverage Laws.

720

721 (2.) The sale, consumption, and possession of alcoholic beverages  
722 is permitted at or within ~~Harry P. Leu Gardens~~ when specifically authorized by  
723 the Executive Director of Leu Gardens, or his or her designee, under such terms  
724 as the Executive Director, or his or her designee, may impose for the protection

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725 of the health, safety, and welfare of the public, and in compliance with ~~state the~~  
726 Beverage Laws.

727

728           ~~(3.)~~ The sale, consumption, and possession of alcoholic beverages  
729 is permitted at or within Heritage Square when specifically authorized by the  
730 Manager~~Executive Director~~ of the Orange County Regional History Center, or  
731 his or her designee, under such terms as the ~~Manager~~Executive Director, or his  
732 or her designee, may impose for the protection of the health, safety, and welfare  
733 of the public, and in compliance with ~~state the~~ Beverage Laws.

734

735           ~~(4.)~~ The sale, consumption, and possession of alcoholic beverages  
736 is permitted at or within the following locations when specifically authorized by  
737 the Director of ~~the Orlando Venues Department Centreplex~~, or his or her  
738 designee, under such terms as the Director, or his or her designee, may impose  
739 for the protection of the health, safety, and welfare of the public, and in  
740 compliance with ~~state the~~ Beverage Laws; ~~provided, however, that it shall be~~  
741 ~~unlawful for any person to have in his possession any metal or glass container~~  
742 ~~designed for containing any food or beverage in the Football Stadium:~~

743

744                   A.(a) The Amway Center~~Arena~~.

745

746                   B.(b) The Florida Citrus Bowl~~Football Stadium~~.

747

748                   C.(c) The Mayor Bob Carr Performing Arts Centre.

749

750                   D.(d) The Mennello Museum~~Orlando Expo Centre~~.

751

752                   E.(e) Tinker Field.

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754                                    E.(f) Public parking lots and pedestrian areas immediately  
755 adjacent and contiguous to the ~~Arena~~Amway Center, the Florida Citrus Bowl,  
756 ~~Football Stadium~~ and Tinker Field.

757  
758                                    ~~(5.)~~ The sale, consumption, and possession of alcoholic beverages  
759 is permitted at or within buildings, facilities, parks, and recreational facilities  
760 owned or controlled by the City when specifically authorized by the Chief  
761 Administrative Officer ~~(CAO)~~, or his or her designee, under such terms as the  
762 CAO, or his or her designee, may impose for the protection of the health, safety  
763 and welfare of the public, and in compliance with ~~the state~~ Beverage Laws;  
764 provided, however, that authorization by the CAO is not required if the sale,  
765 consumption, and possession of alcoholic beverages is permitted pursuant to  
766 subsections 1,2,3, or 4 above.

767  
768                                    ~~(6.)~~ The sale, consumption, and possession of alcoholic beverages  
769 is permitted on any public street, sidewalk, alley, or right-of-way under any of the  
770 following circumstances:

771  
772                                    A.(a) When authorized by a sidewalk café permit issued  
773 pursuant to section 54.28 of this Code, an in compliance with the Beverage  
774 Laws.

775  
776                                    B.(b) When authorized by an outdoor public assembly permit  
777 issued pursuant to Chapter 18A of this Code, and in compliance with the  
778 Beverage Laws.

779  
780                                    C.(c) When specifically authorized by the Chief of Police, or  
781 designee, under such terms as the Chief of Police, or designee, may impose for  
782 the protection of the health, safety, and welfare of the public, and in compliance  
783 with ~~state~~ the Beverage Laws.

784

785           **SECTION 9. SEC. 33.07, CREATED.** Section 33.07, Code of the City of  
786 Orlando, Florida, is hereby created to read as follows:

787  
788           **Sec. 33.07. Downtown Late Night Permit.**

789  
790           (a) Late night permit authorized; eligibility. There is hereby created a late  
791 night permit for alcoholic beverage establishments located within the Downtown  
792 CRA.

793  
794           (b) Purpose of the late night permit. The purpose of the late night permit is  
795 to allow certain establishments in Downtown Orlando to serve alcoholic  
796 beverages past midnight pursuant to the terms, conditions, and regulations of  
797 this section.

798  
799           (c) Permit required; application for permit . In order to serve alcoholic  
800 beverages past midnight within the Downtown CRA, the operator of the  
801 establishment must apply for, receive, and operate pursuant to an active and  
802 lawfully issued late night permit from the City. Late night permits are only allowed  
803 for licensed premises located entirely within the Downtown CRA. An application  
804 for a late night permit must be submitted to the City permitting official on a form  
805 provided for such purpose. The application form must include a description of all  
806 the information, documents, and other submissions that City officials will need in  
807 order to review the proposal for compliance with this Code, including, at a  
808 minimum, the following:

809  
810                   1. Name and contact details for the applicant, including the  
811 applicant's place of business if other than at the establishment.

812  
813                   2. A brief narrative description of the establishment, including the  
814 basic physical features of the premises and its location, and a general description

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815 of the applicant's business model, including its typical hours of operation,  
816 entertainment options, and the types of food and drinks offered to customers.

817

818 3. Dimensioned drawings of the establishment's internal layout,  
819 including entrances and exits, tables, chairs, bars, host or hostess stations,  
820 windows, doors, waiting areas, and other features that may affect the movement  
821 and gathering of customers. This plan does not need to be produced by a  
822 licensed design professional.

823

824 4. A permit application fee, or renewal fee, as set by Council.

825

826 5. A copy of the establishment's current State of Florida  
827 Department of Business and Professional Regulation, Division of Alcoholic  
828 Beverages and Tobacco, Bureau of Licensing licenses and permits relating to the  
829 sale or offering of alcoholic beverages.

830

831 6. A copy of the establishment's current Orange County and City  
832 business tax receipt.

833

834 7. If the establishment is owned by a partnership, whether general  
835 or limited, a copy of the partnership instrument, and the business address of the  
836 partnership.

837

838 8. If the establishment is owned by a corporation, a copy of the  
839 certificate of incorporation, the business address of the corporation, the name  
840 and address of the registered agent, and the names and addresses of the  
841 corporation's officers.

842

843 9. If the establishment conducts, or will conduct, business under a  
844 name other than that of the applicant, a copy of the establishment's fictitious  
845 name certificate.

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10. The names and addresses of all persons holding a 10% or greater beneficial interest in the establishment.

11. Certification that the applicant has the authority to make the application.

(d) Completeness review. Within five days of receiving an application for a late night permit, the permitting official must issue a written determination to the applicant indicating whether the application is complete. If the application is determined to be incomplete, the permitting official must so inform the applicant in writing and detail what material or information must be submitted in order to complete the application.

(e) Application review and standards for issuance. Applications for a late night permit are subject to review by the permitting official. Within 10 days of receiving a complete application, the permitting official must provide the applicant with a written decision indicating approval of the application as submitted, approval of the application with conditions as provided, or denial of the application. The permit application shall be approved when:

1. The application is complete and accurate; and

2. The establishment has not had a late night permit revoked within the past 12 months; and

3. None of the establishment's owners with a 10% or greater beneficial interest or corporate officers have had a late night permit revoked within the past 12 months; and

4. The establishment meets all of the requirements of this Chapter.

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5. The property on which the establishment is not subject to an existing code enforcement lien.

If the application is approved as submitted, the permitting official must issue the late night permit within five days of approval. If the application is denied, the permitting official must provide written reasons for the denial along with the notice of denial.

(f) Continuing duty to update application and permit file. Applicants and permittees are under a continuing duty to update information contained in the application for a late night permit and the permit file for issued permits, and shall, within 30 days of any change in the information contained therein, notify the permitting official in writing.

(g) Appeal of a permit denial. An applicant may appeal the decision to deny the issuance of a late night permit. To do so, the applicant must file a written appeal to the Chief Administrative Officer no later than ten days after the permit was denied. Failure to submit a timely appeal shall waive the right to challenge the denial.

1. Initial Hearing. The Chief Administrative Officer or designee shall hold a public hearing on the appeal within 15 days of the appeal being filed, unless the CAO and the appellant agree to a different time. All testimony at the hearing shall be under oath. The CAO or designee shall not be bound by formal rules of evidence and may consider hearsay testimony, however he or she shall provide fundamental due process in the hearing process. The applicant shall have the opportunity to appear before the CAO or designee, in person or through an attorney, and to offer evidence. At the conclusion of the hearing, based on the evidence received, the CAO or designee shall determine, based upon the preponderance of evidence, whether a late night permit should be issued. If the

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908 CAO or designee determines a late night permit should be issued, he or she shall  
909 direct the permitting official to issue a permit. The CAO or designee shall have  
910 the power to adopt rules for the administration and conduct of its hearings which  
911 are consistent with this section.

912  
913 2. Final Hearing. In each case in which the CAO or designee  
914 makes the decision to uphold the denial of a late night permit, the applicant shall  
915 have the right to appeal such denial to the Criminal Nuisance Abatement Board  
916 by filing with the CAO or designee, and City Clerk, a notice of appeal within 10  
917 days of the decision by the CAO or designee. The Criminal Nuisance Abatement  
918 Board, not later than the second regularly scheduled Criminal Nuisance  
919 Abatement Board meeting following receipt of the notice of appeal, shall hold a  
920 hearing to determine if such denial to issue a late night permit should be upheld.  
921 Notice of the hearing shall be given to the applicant, which notice shall fix a date  
922 for the hearing giving the applicant an opportunity to be heard on the denial of  
923 the late night permit. Such notice shall be given in writing by the City Clerk, at  
924 least 5 days before the date of such hearing, unless such notice is waived by the  
925 applicant. The Criminal Nuisance Abatement Board after hearing from the  
926 parties, shall either sustain the decision and deny the requested permit or order  
927 the permitting official to issue a late night permit. The Criminal Nuisance  
928 Abatement Board shall make its decision based upon whether the CAO or  
929 designee had competent substantial evidence to sustain the decision. No new  
930 evidence may be presented during this final appeal. The decision of the Criminal  
931 Nuisance Abatement Board shall be final.

932  
933 (h) Expiration, renewal, and non-transferability. Each late night permit is  
934 valid from January 1 of each year through December 31 of the same year (this  
935 period may be referred to as the "permit-year"), but may be renewed annually.  
936 The permitting official shall accept renewal applications without updated  
937 dimensioned drawings if no changes are proposed to the features described in  
938 subsubsection 33.07(c)3. of this Code. Late night permits may not be transferred.

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(i) Hours of operation; closing procedures. Establishments with a valid late night permit may, on Sundays through Wednesdays, sell and serve alcoholic beverages, and allow alcoholic beverages to be sold and served, between the hours of 7:00 a.m. and 2:00 a.m. the following day, and on Thursdays through Saturdays, sell and serve alcoholic beverages, and allow alcoholic beverages to be sold and served, between the hours of 7:00 a.m. and 3:00 a.m. the following day. Late night permittees must abide by the closing procedures provided by subsection 33.03(a)3. of this Code.

1. Holiday hours. Regardless for the day of the week, alcoholic beverages may be sold and served at establishments with a valid late night permit until 3:00 a.m. the day after Saint Patrick’s Day, Cinco de Mayo, Halloween, and the Wednesday before Thanksgiving Day.

(j) General regulations. Late night permittees must conform to the following:

1. No person under 21 years of age is permitted within the premises covered by the late night permit after 10:00 p.m. This applies every night of the week. The following establishments are exempt from this subsection.

A. Restaurants. Establishments holding a late night permit and a “Special Restaurant-4COP” license from the State of Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, may allow persons under 21 years of age to remain within the premises until closing, but must abide by the City’s Youth Protection Ordinance. Such establishments are also exempt from the requirements of subsection 33.07(j)3. of this Code, relating to the use of electronic identification verification equipment.

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B. Live music venues. Live music venues holding a late night permit may allow persons under 21 years of age to remain within the licensed premises until the end of a live music event, but must abide by the City's Youth Protection Ordinance. To qualify for this live music venue exemption, the late night permittee must be a Florida Responsible Vendor pursuant to the Florida Responsible Vendor Act. A late night permittee's establishment shall be designated a live music venue by the permitting official if the permitting official finds that the establishment has the following:

i. An indoor approved occupancy of 1,100 persons or more within its licensed premises.

ii. An indoor permanent performance stage, dedicated only for the use of performing artists, at least 800 square feet in area, located within the main assembly hall of the establishment, and at least 48-inches above the floor of the main assembly hall. The stage must be directly connected to a loading ramp from outside the building. To qualify as a loading ramp for purposes of this part, the loading ramp must be dedicated only to loading and unloading stage equipment and may not be used as an entrance or exit for patrons.

iii. An approved life safety evaluation as required by section 12.2.5.4.1(2) of the National Fire Prevention Association 101, Life Safety Code, Florida 2010 Edition, for festival seating in assembly occupancies.

iv. A permanent dedicated dressing room, including private bathroom and shower facilities, for performing artists.

v. Permanently installed trussing system to support theatrical lighting. The trussing must be at least 30-feet in total length and must be installed at least ten feet above the surface of the stage.



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vi. Electric power boxes providing at least 300 amperes of three-phase electric power dedicated exclusively to stage productions.

This exemption applies only during live music events. For purposes of this exemption, a live music event means live musical performances on a stage by a musician or group of musicians that play an instrument or instruments before an audience, with or without vocalizations. The term also includes one or more human voices singing a cappella on a stage before an audience and the reproduction and manipulation of pre-recorded music by a live disc jockey, on-stage, and before an audience. To qualify as a live music event, the late night permittee must:

i. Notify the Police Chief, or designee, of the live music event. The Police Chief may provide and maintain an online system for providing this notice and for the applicant to receive and print the live music event permit.

ii. Provide the Police Chief, or designee, with the key details of the event, including without limitation the name of the musical artists, when the establishment will open for the show, show times, and when and where tickets to the show are being sold.

iii. Offer tickets to the live music event before the event date.

iv. Conspicuously post the current live music event permit issued by the Police Chief, or designee, near the main entrance of the establishment.

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1032 v. Hire at least one off-duty Orlando Police  
1033 Department sworn police officer. The off-duty officer must be posted at the  
1034 establishment throughout the live music event and for at least 30 minutes after  
1035 the event concludes.

1036  
1037 vi. Not allow the re-entry of patrons during the live  
1038 music event.

1039  
1040 2. Must allow officers of the Orlando Police Department and City code  
1041 enforcement officers to enter and inspect the premises during business hours.

1042  
1043 3. If the establishment's total allowable occupancy (as determined by the  
1044 City's fire marshal) is 100 persons or more, must require that each patron  
1045 entering the establishment when alcoholic beverages are being sold or  
1046 consumed produce government-issued identification which must be scanned by  
1047 an employee or other agent of the establishment utilizing electronic identification  
1048 verification equipment. If the establishment's electronic identification verification  
1049 equipment fails, through no fault or negligence of the establishment and its  
1050 owners, employees, or other agents, the establishment may continue to admit  
1051 patrons only if the Orlando Police Department is notified of the failure within one  
1052 hour of the failure becoming known to the establishment's employees or other  
1053 responsible agent. Without functioning electronic identification verification  
1054 equipment, the establishment's agents must use reasonable efforts to verify the  
1055 authenticity of each identification. Reasonable efforts include, but are not limited  
1056 to physically inspecting the identification for signs of tampering, visual  
1057 inspections of watermarks, holographs, and other anti-counterfeiting measures,  
1058 and comparing the identification with industry-recognized national or international  
1059 identification verification manuals. The establishment may continue to operate  
1060 without operable electronic identification verification equipment for no more than  
1061 21 days within any 365-day period as long as reasonable efforts are made to  
1062 repair the verification system or to secure new equipment.

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A. Defenses.

i. For establishments with an occupancy of 99 persons or fewer, it shall be a defense to an alleged violation of this subsection that the person under 21 years of age obtained access through the use of a fraudulent identification if the establishment used reasonable efforts to verify the person's age and to prevent the use of fraudulent identifications.

ii. For establishments with an occupancy of 100 persons or more, it shall be a defense to an alleged violation of this subsection that the person under 21 years of age obtained access through the use of a fraudulent identification if the establishment used reasonable efforts to verify the person's age, reasonable efforts to prevent the use of fraudulent identifications, and the fraudulent identification was authenticated by the electronic identification verification equipment.

4. Must conspicuously post the current late night permit issued by the City near the main entrance of the establishment.

(k) Permit revocation. The permitting official shall revoke the late night permit of an establishment if, seven or more times within any permit-year, the establishment, or owners, partners, officers, employees, vendors, managers, operators, or other agents of the establishment are issued a notice of violation pursuant to Article I, Chapter 5 of this Code, a citation pursuant to Article II, Chapter 5 of this Code, or arrested, for violations of any one or more of the following:

1. Any provision of section 33.03 of this Code.

2. Any provision of subsections 33.07(c),(f), (i), or (j) of this Code.

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3. Section 562.11, Florida Statutes.

Revocation shall be effective ten days after the permitting official issues an order revoking the late night permit. An appeal filed pursuant to subsection 33.07(l) of this Code shall stay the revocation of a late night permit until a decision is rendered by the Chief Administrative Officer or designee, or where a final appeal is filed with the Criminal Nuisance Abatement Board, when a decision is rendered by the Criminal Nuisance Abatement Board.

(l) Appeal of a permit revocation. An applicant may appeal the decision to revoke a late night permit. To do so, the applicant must file a written appeal to the Chief Administrative Officer no later than ten days after the permit was revoked. Failure to submit a timely appeal shall waive the right to challenge the revocation.

1. Initial Hearing. The Chief Administrative Officer or designee shall hold a public hearing on the appeal within 15 days of the appeal being filed, unless the CAO and the appellant agree to a different time. All testimony at the hearing shall be under oath. The CAO or designee shall not be bound by formal rules of evidence and may consider hearsay testimony, however he or she shall provide fundamental due process in the hearing process. The appellant shall have the opportunity to appear before the CAO or designee, in person or through an attorney, and to offer evidence. In determining whether the revocation should be upheld, the CAO must consider the final administrative or judicial dispositions, if any, of the notices of violation, citations, and arrests constituting the purported grounds for the revocation. At the conclusion of the hearing, based on the evidence received, the CAO or designee shall determine, based upon the preponderance of evidence, whether the late night permit should be revoked. The CAO or designee shall have the power to adopt rules for the administration and conduct of its hearings which are consistent with this section.

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2. Final Hearing. In each case in which the CAO or designee makes the decision to uphold the revocation of a late night permit, the applicant shall have the right to appeal such revocation to the Criminal Nuisance Abatement Board by filing with the CAO or designee, and City Clerk, a notice of appeal within 10 days of the decision by the CAO or designee. The Criminal Nuisance Abatement Board, not later than the second regularly scheduled Criminal Nuisance Abatement Board meeting following receipt of the notice of appeal, shall hold a hearing to determine if such revocation should be upheld. Notice of the hearing shall be given to the appellant, which notice shall fix a date for the hearing giving the appellant an opportunity to be heard on the revocation. Such notice shall be given in writing by the City Clerk, at least 5 days before the date of such hearing, unless such notice is waived by the appellant. The Criminal Nuisance Abatement Board, after hearing from the parties, shall either sustain the decision to revoke the late night permit or order the permitting official to reinstate the late night permit. The Criminal Nuisance Abatement Board shall make its decision based upon whether the CAO or designee made his or her decision consistent with competent substantial evidence. No new evidence may be presented during this final appeal. The decision of the Criminal Nuisance Abatement Board shall be final.

**SECTION 10. SEC. 33.09, AMENDED.** Section 33.09, Code of the City of Orlando, Florida, is hereby amended to read as follows:

**Sec. 33.09. Sales and Consumption Restricted to Licensed ~~Building~~Premises; Exceptions.**

(a4) It shall be is hereby made unlawful and a violation of this subsection for any vendor or for any agent, servant, or employee of any such vendor, to permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the building, or room, or other premises mentioned

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1156 provided for in his or her license certificate as the address thereof, when any part  
1157 of such parking or other area is adjacent to the building or premises in which the  
1158 business licensed under such section is operated, and when such parking or  
1159 other area is owned, rented, leased, regulated, controlled, or provided, directly or  
1160 indirectly, by such licensed vendor or by any agent, servant, or employee of such  
1161 licensed vendor; provided, however, that if such licensed vendor ~~shall~~ had posted  
1162 and maintained a legible, painted or printed sign in at least two ~~(2)~~ separate  
1163 prominent places in or on such parking or other area, with sufficient light directed  
1164 thereon to be visible during the hours of darkness while such place of business is  
1165 open, in letters of not less than three ~~(3)~~ inches in height, stating:

1166  
1167 "WARNING  
1168 DRINKING ALCOHOLIC BEVERAGES ON THIS LOT PROHIBITED—\$500.00  
1169 FINE OR 60 DAYS IN JAIL—CITY ORDINANCE"

1170  
1171 the same shall constitute prima facie evidence that such vendor is not operating  
1172 in violation of this subsection.

1173  
1174 (b2) It is hereby made shall be unlawful and a violation of this subsection  
1175 ~~for any person to~~ consume any alcoholic beverage in or upon any parking or  
1176 other area outside of and adjacent to a vendor's licensed premises when such  
1177 parking or other area is owned, rented, leased, regulated, controlled, or provided,  
1178 directly or indirectly, by such vendor.

1179  
1180 (c3) If any licensed vendor mentioned herein be a corporation, then the  
1181 officers of such corporation shall be regarded as the owners and vendor thereof,  
1182 for the purposes of enforcement of this section.

1183  
1184 ~~(4) Any person violating any of the provisions of this section shall, upon~~  
1185 ~~conviction, be punished as provided in Section 1.08 of this Code.~~

1186

1187           **SECTION 11. SEC. 33.11, DELETED.** Section 33.11, Code of the City of  
1188 Orlando, Florida, entitled "Bottle Clubs Prohibited," is hereby deleted in its  
1189 entirety and the section reserved for future use.

1190  
1191           **SECTION 12. SEC. 33.12, AMENDED.** Section 33.12, Code of the City  
1192 of Orlando, Florida, is hereby amended to read as follows:

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1194       **Sec. 33.12. ~~Transfer or Delivery of~~Providing Alcoholic Beverages for**  
1195 **Unlawful Use; Prohibited.**

1196  
1197           It shall ~~be~~ is hereby made unlawful and a violation of this section for any  
1198 person to provide, dispense, distribute, or deliver alcoholic beverages to any  
1199 other person or commercial establishment when that person knows or has  
1200 reason to know that the alcoholic beverages being so provided will be consumed  
1201 or otherwise used in violation of any provision of this chapter, or in violation of  
1202 ~~what is commonly referred to as "The~~ the Beverage Law of Florida ~~set forth in~~  
1203 ~~Florida Statutes chs. 561, 562, 563, 564, 565, 567, and 568.~~

1204  
1205           **SECTION 13. PERMIT PROCESSING.** The permitting official shall begin  
1206 accepting applications for late night permits and for live music venue  
1207 designations by November 15, 2013.

1208  
1209           **SECTION 14. CAO REPORT.** No earlier than six months after the  
1210 effective date of this ordinance, but not later than one year after the effective date  
1211 of this ordinance, the Chief Administrative Officers shall provide a report to the  
1212 Orlando City Council on the implementation of this ordinance. The CAO shall  
1213 consult with representatives of the industries regulated by this ordinance, along  
1214 with other relevant stakeholders, and should include within the report a  
1215 description of concerns, if any, conveyed by the regulated industries and other  
1216 stakeholders. The CAO should also report relevant crime and code enforcement  
1217 data that may indicate the success or failure of this ordinance, the number of late

1218 night permits issued, and other information that the CAO considers pertinent to  
1219 an assessment of the efficacy of this ordinance.

1220

1221 **SECTION 15. SEVERABILITY.** If any provision of this ordinance or its  
1222 application to any person or circumstance is held invalid, the invalidity does not  
1223 affect other provisions or applications of this ordinance which can be given effect  
1224 without the invalid provision or application, and to this end the provisions of this  
1225 ordinance are severable.

1226

1227 **SECTION 16. REPEAL.** All ordinances or parts of ordinances previously  
1228 adopted and in conflict with this ordinance are hereby repealed.

1229

1230 **SECTION 17. CODIFICATION.** The City Clerk and the City Attorney  
1231 shall cause the Code of the City of Orlando, Florida, to be amended as provided  
1232 by this ordinance and may renumber, re-letter, and rearrange the codified parts  
1233 of this ordinance if necessary to facilitate the finding of the law.

1234

1235 **SECTION 18. SCRIVENER'S ERROR.** The City Attorney may correct  
1236 scrivener's errors found in this ordinance by filing a corrected copy of this  
1237 ordinance with the City Clerk.

1238

1239 **SECTION 19. EFFECTIVE DATE.** This ordinance takes effect  
1240 immediately upon adoption, except for sections one through ten, which become  
1241 effective on January 1, 2014.

1242

1243 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,  
1244 Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_,  
1245 2013.

1246



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1247           **DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in  
1248 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this  
1249 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

1250  
1251           **DONE, THE SECOND READING, AND HEARING, AND ENACTED ON**  
1252 **FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the  
1253 City Council of the City of Orlando, Florida, at a regular meeting, this \_\_\_\_\_  
1254 day of \_\_\_\_\_, 2013.

1255  
1256   BY THE MAYOR/MAYOR PRO  
1257   TEMPORE OF THE CITY OF  
1258   ORLANDO, FLORIDA:

1259  
1260  
1261 \_\_\_\_\_  
1262 Mayor / Mayor Pro Tempore

1263  
1264  
1265  
1266       ATTEST, BY THE CLERK OF THE  
1267       CITY COUNCIL OF THE CITY OF  
1268       ORLANDO, FLORIDA:

1269  
1270 \_\_\_\_\_  
1271 City Clerk

1272  
1273  
1274       APPROVED AS TO FORM AND LEGALITY  
1275       FOR THE USE AND RELIANCE OF THE  
1276       CITY OF ORLANDO, FLORIDA:

1277  
1278 \_\_\_\_\_  
1279 City Attorney

1280   \*\*[Remainder of page intentionally left blank.]\*\*