

ORDINANCE NO. C-26-05

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 5, "ALCOHOLIC BEVERAGES", SECTION 5-29 OF ARTICLE II, "LICENSED ESTABLISHMENTS" AND ARTICLE III; "SPECIAL ENTERTAINMENT OVERLAY DISTRICT", OF THE CITY OF FORT LAUDERDALE, FLORIDA, CODE OF ORDINANCES, TO AMEND HOW THE PERMITTED HOURS OF SALE, CONSUMPTION, AND SERVICE OF ALCOHOLIC BEVERAGES AND OFF PREMISES ALCOHOL CONSUMPTION ARE REGULATED IN SPECIAL ENTERTAINMENT OVERLAY DISTRICTS, PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS, AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, desires to amend Chapter 5, "Alcoholic Beverages", Article II, " Licensed Establishments", and Article III, "Special Entertainment Overlay District", of the City of Fort Lauderdale, Florida, Code of Ordinances, to remove off premises alcohol consumption ~~and increase the hours prohibited for the sales, consumption, and service of alcoholic beverages and limit the outdoor sale of alcoholic beverages~~; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida desires to remove off premises alcohol consumption, ~~increase hours prohibited for the sales, consumption, and service of alcoholic beverages and limit the outdoor sale of alcoholic beverages~~

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Chapter 5, Article II – Licensed Establishment, Section 5-29 of the City of Fort Lauderdale, Florida, Code of Ordinances is hereby amended as follows:

Sec. 5-29. - Permitted hours of sale, consumption and service.

(a) Permitted hours of sale, consumption and service.

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- (1) Clubs, nightclubs, cocktail bars, hotel bars and restaurant bars licensed under the state beverage laws to sell beer, wine or alcoholic beverages may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, Sunday through Thursday between the hours of 7:00 a.m. and 2:00 a.m. of the following day, and Friday and Saturday between the hours of 7:00 a.m. and 3:00 a.m. of the following day, as long as the beer, wine or alcoholic beverage is served and consumed on the premises.
- (2) Convenience stores, bottle clubs, package stores, vendors licensed under the state beverage laws to sell beer, wine or alcoholic beverages and any vendor not listed in section (1) above may sell, serve or deliver or offer to sell, serve or deliver any beer, wine or alcoholic beverage, regardless of alcohol content, Sunday through Thursday between the hours of 7:00 a.m. and 2:00 a.m. of the following day, and Friday and Saturday between the hours of 7:00 a.m. and 3:00 a.m. of the following day.
- (3) Any beer, wine or alcoholic beverage, regardless of content, ordered by a patron from a club, nightclub, cocktail bar, hotel bar, restaurant bar, convenience store, bottle club, package store or vendor and served prior to 2:00 a.m. Monday through Friday, may be consumed on licensed premises by a patron until no later than 2:30 a.m. Any beer, wine or alcoholic beverage, regardless of content, ordered by a patron from a club, nightclub, cocktail bar, hotel bar, restaurant bar, convenience store, bottle club, package store or vendor and served prior to 3:00 a.m. Saturday or Sunday, may be consumed on licensed premises by a patron until no later than 3:30 a.m.
- (4) Sale, service or consumption after the applicable hours in this section are prohibited.

(b) *Liquors, beers and wines, hours of sale.* No vendors licensed under the state beverage law to sell liquor, beer or wine by the package, bottle or original container, for consumption off premises, shall sell or offer for sale or deliver any liquor, beer or wine in the original package bottle or container for consumption off the premises during any hour prohibited by (a) above.

(c) *Taking container off premises after hours.* It is the intention of this section to prohibit such vendors from permitting anyone purchasing package goods in the original container to leave the vendor's premises during the prohibited hours, taking with him in any container any

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beers, wines, liquors, or alcoholic beverages originally purchased by package, bottle or container, so that the same may be consumed off the premises.

- (d) *Sales by employees during prohibited hours.* Any employee of a vendor licensed under the state beverage law shall not sell, or offer for sale, any beers, wines, liquors, or alcoholic beverages of any kind during the prohibited hours.
- (e) *Gifts.* It shall be deemed a violation of this section for any person, or any agent, servant or employee of any person, licensed under the state beverage law, during the hours prohibited under (b) above, to gratuitously give any kind of alcoholic beverage, whether conditioned upon the purchase of another kind of alcoholic beverage, or product of any nature, at any inflated price, or otherwise, or in the form of a so-called bonus predicated upon another purchase, or as a gift.
- (f) The provisions of this section shall also apply to vendors within the special entertainment overlay district, except that the hours of operation within the special entertainment overlay district shall be those specified in section 5-56 of the Code of Ordinances of the City of Fort Lauderdale.

SECTION 2. That Chapter 5, Article III – Special Entertainment Overlay District, Section 5-56 – Alcoholic beverages sales within the district of the Code of Ordinances of the City of Fort Lauderdale is hereby amended as follows:

Sec. 5-56. Alcoholic beverage sales within the district.

- (a) *Minimum distance requirements.* There shall be no minimum distance required between any place of business within the district licensed by the state to sell alcoholic beverages ~~either for consumption on or off premises, and any other place of business similarly licensed within the district.~~ For the purpose of minimum distance requirements between establishments licensed to sell alcoholic beverages in a district and establishments similarly licensed outside of the district, the physical location of any place of business so licensed within a district shall be considered to extend to the outside perimeter boundary of the district, and the entire district shall thereafter be considered one (1) establishment licensed to sell alcoholic beverages. There shall be no minimum distance requirement between any establishment licensed to sell alcoholic beverages ~~either for consumption on or off premises within the district, and establishments similarly licensed outside of the district at the time of designation of the district.~~

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(b) *Hours of operation.* The hours during which sales, consumption and service of alcoholic beverages, beers and wines are ~~prohibited~~ permitted within the district are as set forth in section 5-29 of the City Code, ~~provided however:~~

Upon written notice provided by the district representative to the city manager one (1) or more establishments licensed by the State of Florida to sell alcoholic beverages either on or off premises within the district, may be designated by the district representative as late night licensed establishments and establishments so designated, shall be prohibited from selling, offering to sell, or serving any beers, wines or alcoholic beverages of any kind regardless of alcoholic content for consumption on or off premises on weekdays and between the hours of 4:00 a.m. and 7:00 a.m.; and any such alcoholic beverage ordered by a patron from a vendor and served prior to 4:00 a.m. may be consumed within the district premises until no later than 4:30 a.m.;

(c) *Sales of alcoholic beverages within the district.* If permitted in accordance with state permitting requirements, alcoholic beverages sold for consumption on the premises by a vendor within an area designated as a district pursuant to this article, may be consumed, held, carried and transported in the original or substitute container, at any location within the district, either indoors, outdoors or aboard boats moored at docks located within the district to the extent it is permitted by the state.

(d) *Hours for music and entertainment.* Music, singing and other forms of entertainment whether amplified or not, shall be permitted indoors at any time during business hours of any facility or business enterprise within the district, and in addition music, singing and entertainment shall be permitted outdoors within the district, however, such outdoor music, singing and entertainment shall not be permitted later than the hours of 12:00 a.m. during weekdays and 1:00 a.m. on legal holidays as provided by state law, Fridays, Saturdays and Sundays, notwithstanding anything to the contrary in section 17-10 of the Code.

(e) *Alcoholic beverage consumption on vessels within the district.* Owners of pleasure or excursion boats or barges who are licensed under the state beverage laws to sell alcoholic beverages for consumption on premises, may sell beers, wines and alcoholic beverages of any type, regardless of alcoholic content, on such vessels within the district subject to the provisions of this article.

(f) *Outdoor sales of alcoholic beverages.* Those persons or entities within the district licensed under the state beverage license laws, may sell and serve beers, wines and alcoholic beverages of any type regardless of alcohol content at any location within the district licensed

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for such sale and under the control of such licensee, including, but not limited to, sidewalk cafes, outdoor areas designed for food or beverage consumption or both adjacent to and operated in concert with a business operated within enclosed premises, ~~licensed freestanding structures including outdoor bars and kiosks selling food or beverages including alcoholic beverages and pushcart type vehicles, provided that all such operators of such outdoor facilities vending and serving alcoholic beverages shall be duly licensed by the state and permitted to operate pursuant to the City Code.~~

(gf) *Addition of property to districts.* Subsequent to the designation of a district pursuant to the provisions of this article upon application to the city, additional lands may be added to a district providing that the property proposed to be added to the district:

- (1) Is adjacent to the district; for purposes of this provision, properties shall be deemed "adjacent" to a district if they are directly contiguous to any perimeter boundary of the district or separated from the district solely by any publicly dedicated thoroughfare or pedestrian walkway;
- (2) Is under common ownership or control by the district representative; and
- (3) Meets the criteria set forth in section 5-54(1), (4) and (8).

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or her designee, without the need for a public hearing.

SECTION 5. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect immediately after final passage and adoption.

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PASSED FIRST READING this 20th day of January, 2026.

PASSED SECOND READING this _____ day of _____, 2026.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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