

RECENT LEGAL CHANGES MAKE IT EASIER TO QUALIFY FOR A MIAMI RESTAURANT LIQUOR LICENSE



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New legislation became effective on July 1, 2023, that makes it easier for Florida restaurants, including those in Miami-Dade County, to qualify for a full liquor license.

Florida alcohol beverage laws generally allow restaurants meeting certain criteria to qualify for 4COP-SFS liquor licenses, which allow for the sale of beer, wine, and spirits (hard liquor) for on-premise consumption. Whereas a restaurant in Miami-Dade County used to have to be at least 2,500 square feet and capable of serving 150 at one time, restaurants can now qualify for full liquor licenses if they have **only 2,000 square feet and 120 seats**, and meet other requirements detailed below. The yearly fee for a 4COP-SFS license for a restaurant in Miami-Dade County is \$1,820.

The new qualification requirements for a type 4COP-SFS liquor license are that an applicant must:

- Have a minimum of 2,000 square feet of service area;
- Be equipped to serve meals to 120 people at one time;
- Have at least 120 physical seats available for patrons to use during operating hours;
- Hold itself out as a restaurant; and
- At least 51% of the restaurant's gross food and beverage revenue must come from the sale of food and nonalcoholic beverages during the first 120-day operating period and the first 12-month operating period thereafter.

4COP-SFS Audits: Once a type 4COP-SFS license is issued, the Florida Division of Alcoholic Beverages and Tobacco (DABT) will automatically audit the license holder to determine whether it meets the 51% threshold described above after the first 120-day operating period. Subsequent audit periods vary based on the percentages found in that first audit:

- 51% to 60% → yearly audits;
- 61% to 75% → audits every 2 years;
- 76% to 90% → audits every 3 years; and
- 91% to 100% → audits every 4 years.

What does this mean for restaurant owners and operators in Miami-Dade County, including Aventura, Bal Harbour, Bay Harbor Islands, Biscayne Park, Coral Gables, Cutler Bay, Doral, El Portal, Florida City, Golden Beach, Hialeah, Hialeah Gardens, Homestead, Indian Creek, Key Biscayne, Medley, Miami (including Wynwood, downtown Miami, Little Havana, Little Haiti, and the Design District), Miami Beach, Miami Gardens, Miami Lakes, Miami Shores, Miami Springs, North Bay Village, North Miami, North Miami Beach, Opa-locka, Palmetto Bay, Pinecrest, South Miami, Sunny Isles Beach, Surfside, Sweetwater, Virginia Gardens, and West Miami?

You may now qualify for a special 4COP-SFS liquor license to sell and serve spirits, beer, and wine if your restaurant has at least 2,000 square feet of service area and 120 seats, and at least 51% of your gross food and beverage revenue is from food and nonalcoholic beverages.

Note the local municipality with jurisdiction over the restaurant premises must sign off on the DABT application. For example, restaurants in Wynwood or Coconut Grove must seek approval from the City of Miami's zoning department before submitting the alcohol beverage application to DABT. Some local laws have not caught up with the state law changes described above, so some municipalities may still require more square footage in order to be zoned for restaurant use or hold an alcohol beverage license at a particular location. Before signing a lease or purchasing a property for your restaurant use, it is advisable to retain experienced Florida alcohol beverage law legal counsel familiar with these nuanced zoning and alcohol beverage considerations unique to South Florida restaurants. Please do not hesitate to contact the GrayRobinson national Alcohol Law Team with any questions you may have along the way.

To learn more about 4COP-SFS liquor licenses, contact the GrayRobinson national [Alcohol Law Team](#) at AlcoholLaw@gray-robinson.com.

[Valerie Haber](#) is a member of the GrayRobinson national Alcohol Law Team. Serving clients all over the country from the firm's Miami office, she is well-positioned to help businesses that intersect with alcohol, having worked with clients across all three tiers of the alcohol beverage industry, including wineries, breweries, distilleries, wholesale distributors, and retailers. At the retail level, Valerie works closely with both on and off-premise businesses, including national restaurant groups, supermarkets, movie theaters. Additionally, Valerie counsels alcohol industry members and unlicensed third party providers on promotional activities, including sampling, the use of promoters or influencers, advertising and social media. She also is experienced in advising companies on alcohol delivery, storage, fulfillment and related services. Valerie simplifies the often complicated process of liquor licensing, license management, and license renewal.

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