

RECENT STATE OF FLORIDA GOVERNMENT ACTIONS

Restaurants and Gyms | Executive Order [20-71](#) | To further the CDC “15 Days to Slow the Spread” social distancing guidance, Governor Desantis issued an order (i) restricting all restaurants and food establishments from allowing on-premises food consumption, (ii) prohibiting the sale of alcohol for consumption on premises, and (iii) closing gyms and fitness centers.

The prohibition against on-premises food and alcohol consumption is broadly implemented and wide-reaching to any business that serves food or alcohol. As a way to lessen the burden on restaurants and food establishments, the order allows delivery of package sales of alcohol while EO 20-71 is in effect. To be eligible for this special privilege, the sale of an alcoholic beverage must (i) be in a sealed container, (ii) be made available for consumption off premises, (iii) be accompanied by the sale of food in the same order, and (iv) comply with section [561.57](#), Florida Statutes (vendor alcohol delivery rules).

The restriction on gyms is also broad, but there are carve outs for small gyms. Specifically, hotel gyms for 10 or less people, fire and police department gyms, gyms located within an office building that has only one occupant/tenant, and residential gyms provided as amenities can remain open.

It should also be noted that the order has a detailed provision allowing the return of alcoholic beverages purchased for events cancelled due to COVID-19. This portion of the order is less applicable for the general public. If your business is impacted, you get relief from section [561.42](#), Florida Statutes and applicable regulations so that you can return the unneeded inventory.