



**CITY OF OAKLAND PARK, FLORIDA
CITY COMMISSION AGENDA ITEM REPORT**

AGENDA ITEM NO. 2

MEETING DATE: 2/4/2009

PREPARED BY:	Richard A. Buckeye, Senior Planner and Al Hubrig, Executive Officer, BSO	DEPARTMENT HEAD APPROVAL:	ENGINEERING / CD
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CITY MANAGER APPROVAL: CITY ATTORNEY

SUBJECT: Text Amendment to Chapter 3, Alcoholic Beverages by specifically amending Section 3-23 entitled “Permits required for premises to remain open past midnight; revocation, suspension of state beverage license” and by specifically creating Section 3-32, entitled “Personal Alcoholic Beverage Seller/Server’s Education, Training and Certification” - Case#CD08-27T “Open Past Midnight Permit & Education/Training Certification Ordinance”

1. BACKGROUND/HISTORY

Legislative History

On January 21, 2009 the proposed Chapter 3 Ordinance was approved on 1st reading by the City Commission.

On January 7, 2009 City staff, United Way task force/focus group members and the Assistant City Attorney met to discuss revisions needed to the new proposed Chapter 3 Ordinance in order to provide various education/training certification provisions related to alcoholic beverage vendors who sell/serve and/or wish to sell/serve alcoholic beverages in the City with an “open past midnight permit”. In addition, input received from the City Attorney on 1/7/09 was discussed. The primary points recommended by the focus group related to the new additions and changes to the Ordinance which are as follows:

1. Removes the actual registration application requirement from the Ordinance requiring the City’s specific participation in the program and allows certificates of training completion from other state-accepted programs such as “TIPS” and “Serve” to be considered when applying for an “open past midnight permit” for any new and existing alcoholic beverage establishment.
2. Adds four (4) curriculum program objectives for recognition of any of the state-accepted “personal alcoholic beverage seller/server’s education, training and certification” classes/courses and/or programs.
3. Clarifies the linkage between the “open past midnight permit” and the new “personal alcoholic beverage seller/server’s education, training and certification” requirement.
4. Recommends increases in the “open past midnight” permit fees from \$150 & \$200 to \$1,500 & \$2,000.

The City Attorney's Ordinance input and staff's responses are as follows:

1. Where did the term past midnight permit originated from?

Answer: From the title of the existing Chapter 3 Ordinance.

2. We will need to work on the "Whereas" clauses.

Answer: "Understood"

3. I do not think delivery persons should be required to be certified.

Answer: This has been removed from the draft Ordinance.

4. I need to have more information on the actual certification program.

Answer: See attached pages from PREP Facilitator's Manual.

5. Is it certified by any state agency?

Answer: The focus group is currently working with staff from the various departments from the State of Florida to create an acceptance process.

6. Who developed it?

Answer: A collaborative of the United Way, State DCF, FSU, State coalitions on substance abuse and the Pacific Institute for Research & Evaluation

7. What is the background of those individuals actually engaged in the training?

Answer: No longer applicable to our Ordinance.

8. What is the cost of each individual who goes through the training?

Answer: No longer applicable to our Ordinance.

9. Where does the fee paid by the individual to be certified go?

Answer: No longer applicable to our Ordinance.

2. CURRENT ACTIVITY

Over the last several months, Commissioner Larry Gierer serving as the City Commission's designated City representative, Senior Planner Rick Buckeye and the Broward Sheriff's Office (District 12) have had several meetings and discussions with representatives from the United Way, the State Division of Alcoholic Beverages and Tobacco (AB&T), and other Broward partners with the intent to include a local merchant certification program in the City's FY09 Business Plan as a BSO initiative. The thrust of these meetings and discussions all relate to an idea by the United Way's task force to develop a partnership with all of the cities in Broward County to establish a pilot program

requiring the education, training and certification of the individuals who sell alcoholic beverages at all types of convenience stores, grocery stores, liquor stores and gas stations within a municipality's jurisdiction. The primary objective is to develop and implement a regulatory and licensing process and program. This is needed as demonstrated by poor results from ABT compliance checks regarding the sale of alcohol to underage persons.

3. ATTACHMENTS

January 7, 2009 meeting sign-in list
Pages from PREP Facilitator's Manual
Revised Action Plan
Vendor Mailing List
Chapter 3 Ordinance
Rezoning Separate Maps

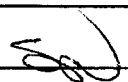
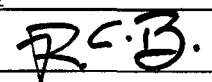

4. FINANCIAL IMPACT

Minimal since the education/training certification program will no longer be administered through the City with the processing of the registration applications for classes and the creation of a data base. Only the collection of the education/training certificates for the file from the applicants would be necessary for the authorization and issuance of an "open past midnight permit".

5. RECOMMENDATION

Staff recommends that the City Commission adopt the proposed Ordinance on 2nd reading.

Task Force to Address Underage Drinking in Broward County Retailers Certification Initiative - Sign in Sheet - January 7, 2008

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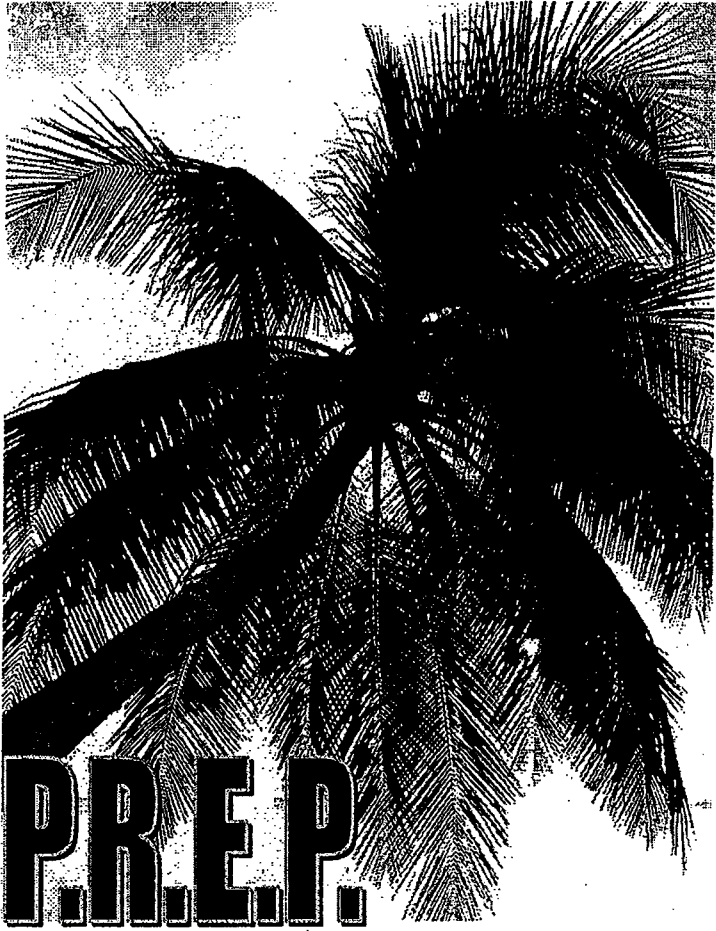
**Task Force to Address Underage Drinking in Broward County
Retailers Certification Initiative - Sign in Sheet - January 7, 2008**

Print Name	Agency	Phone	E-Mail	Signature
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Attachment #1

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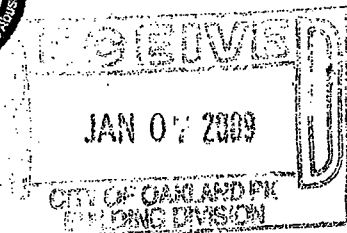
Item # 2



Promoting Retailers Education Program

Facilitator's Manual

Draft Version: 11-25-08



Introduction

Underage alcohol use accounts for about 20% of all the alcohol consumed in the United States each year. There are increasing numbers of deaths and injuries in which alcohol is involved. Insurance companies reflect the growing seriousness of drunk-driving crash claims by raising premiums. Injured parties are taking their cases to court in third-party liability lawsuits where, increasingly, judges are assigning a percentage of the fault to licensees, clerks and servers. Illegal sales and irresponsible service of alcohol are not being tolerated.

In the same manner, each year approximately 440,000 deaths are attributed to cigarette smoking. These deaths are preventable by reducing the sale of tobacco products to underage individuals.

Preventing substance abuse problems before they develop can be a challenging endeavor, but research – coupled with years of programming – has taught us that prevention is the most efficient, cost-effective approach. Prevention not only saves time and money, it saves lives and prevents or reduces harm.

Promoting Retailers Education Program (PREP) is designed to encourage and promote partnerships between licensed alcohol and tobacco retailers, law enforcement, and communities – partnerships that are dedicated to preventing and reducing alcohol and tobacco problems throughout Florida.

Introductory Notes for the Facilitator:

The manual consists of three components:

Component One: For all individuals who sell or serve alcohol and tobacco products.

Component Two: A continuation of Component One only for individuals who sell alcohol products in on-premise establishments.

Component Three: For individuals who are responsible for the development of alcohol and tobacco management policies, such as licensees, owners or managers.

The facilitator's manual gives introductions to topics, explanations, and bridges. Times listed will assist facilitators in completing the course in the allotted time.

Participant booklet pages and Power Point slides are shown on the respective facilitator's pages.

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Component Three

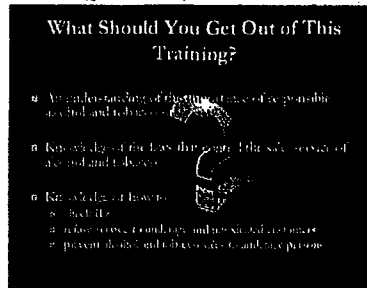
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Workshop Objectives

~ 2 minutes

During this training, we will cover the following objectives:



Learning Objectives

Attitudinal Outcomes

At the end of this training, participants will

- Recognize that they have a legal responsibility not to sell alcohol or tobacco to underage persons
- Recognize the value of making choices that fulfill their job responsibilities
- Recognize that avoiding the sale of alcohol or tobacco to underage persons is more important than making a sale

Knowledge Outcomes

At the end of this training, participants will

Part I:

- Understand key state laws that govern the sale of alcohol and tobacco in Florida
- Understand the importance of their role in refusing to sell to underage persons
- Understand the correct procedure for checking an ID
- Understand they must ID anyone who appears to be under the age of 21
- Understand that if caught making an underage sale, they will be penalized
- Understand how the manager can be a resource for sales staff

Part II:

- Understand the effects of alcohol use and alcohol absorption rates
- Know when and where to seek help if concerned about their own or others' use
- Understand how to identify intoxicated customers
- Understand how to refuse service to underage youth and intoxicated customers

Performance Outcomes

At the end of this training, participants will be able to

- State the laws and consequences related to the sale of alcohol and tobacco in Florida
- List the responsibilities of sales staff
- State the potential penalties for clerks who sell alcohol or tobacco to underage persons
- Calculate the required date of birth for sales of alcohol and tobacco
- List the three valid forms of identification
- Locate the date of birth on a valid form of identification
- Apply the calculated required date of birth and compare to the customer's date of birth
- Describe how to detect a fake ID
- Explain how to handle difficult situations in refusing sales

Let participants know that learning outcomes can be found on **Page 2** of the Participant Booklet



City of Oakland Park

“Alcoholic Beverage Establishment - Open Past Midnight /Personal Alcoholic Beverage Seller/Server’s Education, Training and Certification” Ordinance

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1/7/09

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Introduction

The “Alcoholic Beverage Establishment - Open Past Midnight /Personal Alcoholic Beverage Seller/Server’s Education, Training and Certification” Ordinance is a comprehensive initiative that will require alcohol vendors (store owners and clerks) in the City of Oakland Park with or wishing to obtain an open past midnight permit to participate in facilitated training sessions that will lead to certification. Participants will be informed of statistics related to alcohol and tobacco use among underage individuals, as well as laws and consequences pertaining to illegal sales of these products. They will also acquire skills in properly checking identification of customers and refusing sales to underage persons. This initiative is part of an innovative multi-strategic approach aimed at reducing access of alcohol to underage individuals in Oakland Park. It is the first of its kind in Broward County and will serve as a model for programs throughout the county and the state of Florida.

Executive Summary

The Issue

Alcohol continues to be the number one drug of choice among Broward County youth; more than tobacco or illicit drugs combined. In Broward County, 64,000 youth aged 12-20 are current users of alcohol, and more than half are binge drinkers. In addition, 28% of local high school youth who began using alcohol before the age of 13 became alcohol-dependent at some point in their lives.

Despite these disturbing trends, current compliance checks in the City of Oakland Park have revealed that nearly 30% of alcohol vendors continue to sell alcohol to underage youth. Research indicates that outside of the home, convenience stores are the number one location where youth obtain alcohol. Thus, laws and policies aimed at retailers are at the heart of any effort to reduce underage drinking.

The Program

Individuals from the City Commission of Oakland Park, the Broward Sheriff’s Office, the United Way of Broward County Commission on Substance Abuse, the State Division of Alcoholic Beverages and Tobacco (AB&T), the Task Force to Address Underage Drinking in Broward County, and other local leaders have come together to develop a multi-strategic approach to

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address this issue. A comprehensive city ordinance has been created that will make it mandatory for all convenience store employees to become certified through completion of a merchant education program. Upon certification, these employees must comply with stringent laws and fully understand the seriousness of selling to youth and the subsequent consequences.

As a result of this Ordinance, the City of Oakland Park will identify and maintain licensure records on all employees working in alcoholic beverage establishments with an open past midnight permit. In addition, a recognition/rewards component has been developed so that alcoholic beverage establishments achieving high rates of compliance will receive public acknowledgement. This cutting-edge approach addressing underage drinking through the adoption of a city ordinance is the first of its kind in the State of Florida and will serve as a model for the rest of the State.

To complement these efforts, the coalition members have promoted a media campaign to make the community-at-large aware of the issues surrounding underage drinking. It is imperative that parents talk with their children and that they recognize that the home is the place youth most commonly access alcohol. In partnership with the adjoining counties, this effort is targeting all of South Florida.

Current Status

- (1) A draft Ordinance has been written outlining the program, which will require alcohol vendors (any person that works as a manager, alcoholic beverage seller/server and a store clerk, to participate in a training program leading to certification. A Public Hearing on the new Ordinance will take place at the City of Oakland Park City Hall on **January 21, 2009**.
- (2) Officers from the Division of Alcoholic Beverages and Tobacco (AB&T) and the Broward Sheriff's Office (BSO) have completed a baseline of Compliance Checks Operations in Oakland Park, documenting a **non-compliance rate of 28%**
- (3) An independent consultant has been hired through the United Way of Broward County Commission on Substance Abuse to coordinate the initiative.
- (4) Training materials for the program are currently being developed.
- (5) A list of local vending establishments in the City of Oakland Park has been compiled.

Publicity

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“Open Past Midnight/Certification” Ordinance



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- The Task Force presented this initiative at the **National Leadership Conference for Enforcing Underage Drinking Laws**, in Nashville, TN in August 2008
- The initiative also presented at the **2008 Florida Prevention Conference** in October 2008
- Once completed, the Local Merchant Education, Certification, and Training Program **has been selected by the Florida Department of Children and Families (DCF)** as the comprehensive environmental strategy that will be shared among law enforcement and community coalitions across the State.

PARTNER RESPONSIBILITIES

I. City of Oakland Park/Broward Sheriff's Office (BSO)

- **Technical support to the United Way and Division of Alcoholic Beverages & Tobacco (AB&T) with program implementation**
- **Ordinance adoption** – A conceptual Ordinance prepared by the City Planning staff related to the creation of the Section 3-32, “Personal Alcoholic Beverage Seller/Server’s Education, Training and Certification” in Chapter 3 entitled “Alcoholic Beverages” of the Code of Ordinances.
- **Law Enforcement** – State and local enforcement of the Ordinance violations by BSO and AB&T subject to the penalties as identified in Sec. 3-23 (b) of the Code of Ordinances.
- **Campaign Awareness** – Along with the United Way, the City’s PIO will be developing ideas related to the awareness campaign with the intent to provide notification to the general public of the initiative.
- **Broward Sheriff's Office (BSO)**
 - a. Responsible to organize and implement a program of on-going Compliance Checks with the AB&T Officers of local off-sales (i.e. convenience stores) alcohol vendors in Oakland Park

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- b. Responsible to organize and implement a program of on-going Certification Checks of local off-sales (i.e. convenience stores) alcohol vendors in Oakland Park

II. United Way and other agency partners

- **Broward Dade Safety Council**
 - a. Assist in the developing the key components of the initiative including developing the facilitator’s manual & participant booklet, DVD for the training curriculum
 - b. As the main site for the training of participants in the Merchant Education Certification program initiative, secure and finalize training dates and provide to Merchant Education Certification Coordinator; Troubleshoot with Coordinator any unforeseen disruptions with class scheduling
- **Broward County Health Department**
 - a. Responsible to assist with the development of key training materials i.e. facilitators training manual and participant booklet, that will be used for the Merchant Education Certification program initiative in Oakland Park
- **United Way of Broward County Commission on Substance Abuse**
 - **Coordination and technical support for the program implementation**
 - **Preparation of Program Business/Action Plan**
 - **Meetings and assistance with scheduling of training class at the Broward County Safety Council offices**
 - **Grants administration with the State**
 - **Campaign Awareness** – Along with the City’s PIO will be developing ideas related to the awareness campaign with the intent to provide notification to the general public of the initiative.

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- a. With assistance from key partners, responsible to ensuring the completion of: (1) Personal Alcoholic Beverage Seller/Server's Education, Training and Certification "PREP" (Training Manual (2) "PREP" Participant Booklet, (2) Development and filming of a DVD production that will be used in the "Prep" certification training curriculum.
- b. Oversight of the overall Personal Alcoholic Beverage Seller/Server's Education, Training and Certification pilot program.
- c. Oversee and track the funding secured through the Department of Children's & Families (DCF) for this initiative through to December 2009.
- d. Assist in the start-up of all components/strategies this initiative as required.

MERCHANT EDUCATION CERTIFICATION COORDINATOR

In its' effort to organize and implement the Merchant Education Certification program in Oakland Park, the United Way of Broward County Commission on Substance Abuse has secured funding (**Phase I:** July 2008- June 2009 and **Phase II:** July 2009 – December 2009) to hire an independent consultant to oversee the initiative. The following are a list of deliverables for the Merchant Education Certification Coordinator:

- i) To coordinate all efforts between the City of Oakland Park City Hall, Personal Alcoholic Beverage Seller/Server's Education, Training and Certification facilitators and the United Way of Broward County Commission on Substance Abuse.
- ii) To assist with the development of Personal Alcoholic Beverage Seller/Server's Education, Training and Certification curriculum (for trainer's & participants); Ensure all equipment and materials for the program are finalized and secured prior to initial classes beginning; Assisting in the development of a DVD & Power point as part of the curriculum
- iii) Develop Registration Packet for Vendors

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- iv) Schedule and maintain schedule of classes; Prepare materials (as needed) for each class; ensure facilitators are scheduled for classes and complete each training; If not available, serve as back-up trainer
- v) Scan Pre-Post tests or Clicker information collected; Prepare analysis of data
- vi) Organize meetings of the Personal Alcoholic Beverage Seller/Server's Education, Training and Certification workgroup as necessary to continue to facilitate goals & objectives of the Personal Alcoholic Beverage Seller/Server's Education, Training and Certification
- vii) To organize and facilitate a train-the-trainers session for Personal Alcoholic Beverage Seller/Server's Education, Training and Certification facilitators (new and ongoing as deemed necessary)
- viii) Continue to monitor and evaluate each class & trainers – offering Technical assistance as needed
- ix) Assist with the creation and final development of all creative materials associated with the Personal Alcoholic Beverage Seller/Server's Education, Training and Certification i.e. Store signage, social marketing materials, brochures for program, etc.
- x) To conduct presentations on the Personal Alcoholic Beverage Seller/Server's Education, Training and Certification, as requested
- xi) Provide monthly invoicing, back-up documentation and a general monthly progress report to the SARG Coordinator, United Way of Broward Commission on Substance Abuse monthly; Meet with Senior Director and/or SARG Coordinator monthly to report on progress of Personal Alcoholic Beverage Seller/Server's Education, Training and Certification

MERCHANT EDUCATION CERTIFICATION

The subcommittee of the Task Force to Address Underage Drinking has continued to develop the facilitator's curriculum and participant booklet that will be used in training for the Personal Alcoholic Beverage Seller/Server's Education, Training and Certification Program. The following outlines the major areas that will be covered in the facilitator's training curriculum and the participant booklet.

- a. Facilitator's Curriculum
 - i) Introduction
 - ii) Responsible Alcohol and Tobacco Sales
 - iii) Legal Issues
 - iv) Preventing Illegal Sales
 - v) Checking Identification

**City of Oakland Park
 “Open Past Midnight/Certification” Ordinance**



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- vi) Refusing Sales
- vii) Reiterate Key Points

- b. Participant Booklet
 - i) Objectives for Training
 - ii) Checking Identification
 - iii) Refusing Sales
 - iv) Sample Incident Log

Timeline

February 2009		
Date	Task/Activity	Current Status (if applicable)
Mid-February 2009	Finalize PREP (Promoting Retailers Education Program) materials <ul style="list-style-type: none"> - Training Manual for program facilitators - Participant Booklet - Power Point presentation for class facilitation - DVD production to supplement presentation 	<ul style="list-style-type: none"> - Draft complete, in revision - In progress - In progress - Script in revision; production to be filmed through Media Lab – Key Contact: Mark Gompertz
	Develop Clicker Survey to gauge participants’ knowledge pre and post class participation -Validate survey questions to ensure results are evidence-based	In progress, will be included as part of Power Point presentation (initial survey at beginning of class and test of learned knowledge at end of class) -Key Contact for validation: James Pan – Nova Southeastern University
2/26/2009	Meeting with key commission members to review and fine-tune final draft of PREP materials	
March 2009		

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Date	Task/Activity	Current Status (if applicable)
Early March 2009	Send copies of final materials to key organizations (ABT, DCF, DOH) for review/endorsement -Local endorsement and State endorsement (Tallahassee)	Possible Contacts: Dr. Paula Thaqi (DOH), Jack Moss (DCF)
March 2009	Finalize plan for class facilitation -Logistics of class facilitation -Recruit facilitators -Job description -Develop subcontracts	Plan is to recruit 5-7 facilitators consisting of local law enforcement, experienced trainers, and substance abuse professionals; 2 facilitators per class -Job description has been developed by Jose Rada -Terms of subcontract in progress - \$28/hr, 4 hr bill, includes list of deliverables Key Contact: Jose Rada
	Work with City staff to finalize registration system for vendors	
	Develop media invitation announcing 10/15 public hearing	Key Contact: PIO/UWBCCSA Marketing Department
3/26/2009	Coalition meeting to prepare for City Hearing (9:30am)	
Mid April 2009	Purchase Clickers and equipment for producing certification materials	
	Finalize Certification Card/Certificate plans – how/when certificates and cards will be provided to participants	
Late April 2009	Develop Media Communications/Communications Plan to spread awareness and support of initiative among vendors and throughout the community	Key Contact: City of Oakland Park PIO/UWBCCSA
	Initial plan developed for Recognition Activities for vendors	

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	that enforce the Ordinance and demonstrate high compliance (recognition activities begin 6/2009)	
May 2009		
Date	Task/Activity	Current Status (if applicable)
Early May 2009	Location, schedule, and logistics for certification classes finalized	Key Contact: Jose Rada
	Finalize packets for participants – Gold Coast distributors	Key Contact: Pat Roberts
	Interview and finalize selection of training facilitators	
Mid May 2009	Develop information packet for delivery to vendors -Introduction Letter (from Mayor of Oakland Park) -Information regarding initiative -Vendor data -Fee structure -Registration Application check release for AB&T -Schedule of classes -Receipt to verify that package was received -Contact person/phone -Required list of employees	Registration Form has been completed; other components are in progress
	AB&T, BSO, and Code Enforcement distribute information/registration packets to vendors	
	Vendor registration begins – registration forms and fees delivered to City Hall	
	Certification Enforcement Authority (CEA – made up of staff from AB&T and BSO) begin conducting background checks of vendors that have registered	

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Late May 2009	Develop posters and creative reminders for stores	
June 2009		
Date	Task/Activity	Current Status (if applicable)
Early May 2009	Work with City PIO to begin rollout of Media/Communications Plan -Social Marketing Promotion	
	“Train the Facilitators” sessions conducted	Key Contact: Hilary Kautter
Mid May 2009	Schedule meeting to finalize financing for BSO law enforcement that will be conducting certification checks	Key Contact: Al Hubrig
July 2009		
Date	Task/Activity	Current Status (if applicable)
Early July 2009	Facilitators prepare information packet to be submitted with invoice regarding class attendance/non-Attendance and other pertinent information	
	Certification classes begin for initial 200-250 participants -Facilitators track attendance/non-attendance -Certification cards and certificates provided for participants	
Mid July 2009	Begin evaluations of class and facilitators	
August 2009		
Date	Task/Activity	Current Status (if applicable)
7/1/2009	CEA begin delivering posters/signs for alcoholic beverage	Key Contacts: Pat Roberts/Al Hubrig

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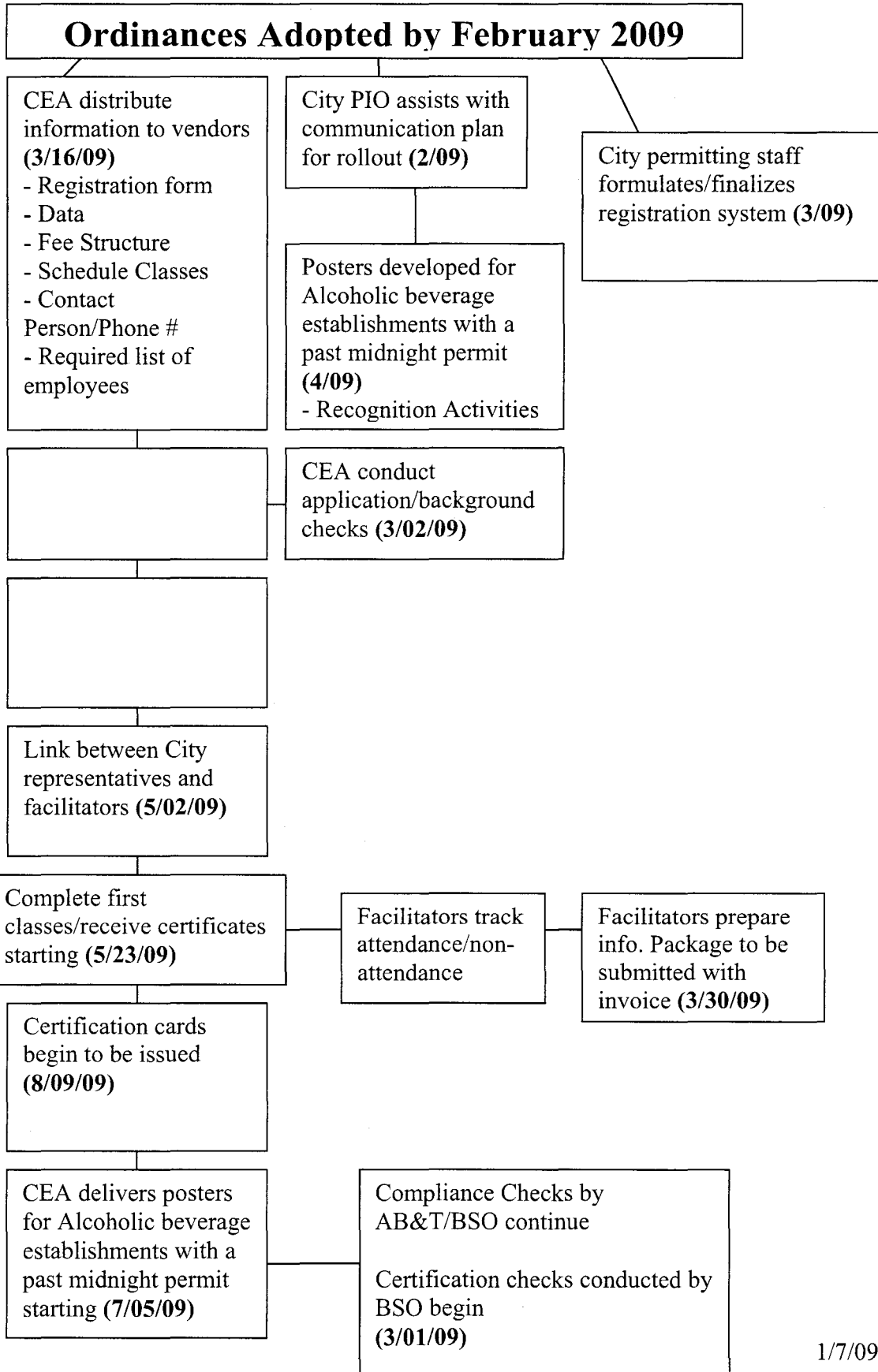
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	establishments with a open past midnight permit whose employees have completed training	
5/5/2009	Ordinance goes into effect -Vendors have 60 days from this point to complete certification training	
August 2009		
Date	Task/Activity	Current Status (if applicable)
Mid Jul 2009	Completion of first cycle of classes -From this point forward, classes will occur once a month or as needed for vendors that are hired after initial registration/training cycle	
Late July 2009	First round of Certification Checks gets underway	Key Contact: CEA

Further Steps:

- Certification classes will continue on a monthly/as needed basis for new vendors
- Certification checks by CEA will continue, with Recognition Activities for high levels of Compliance/Enforcement of Ordinance beginning in October 2009

**APPENDIX:
OAKLAND PARK "OPEN PAST MIDNIGHT/CERTIFICATION" ORDINANCE
FLOW CHART**



1/7/09

CITGO
1850 W OAKLAND PARK BLVD
OAKLAND PARK FL 33334

HESS EXPRESS
5002 N DIXIE HWY
OAKLAND PARK FL 33334

VICTORY
1600 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

CROCCO'S
3101 N FEDERAL HWY
OAKLAND PARK FL 33306

BITS & BOTTLES
3148 NE 12 AVENUE
OAKLAND PARK FL 33334

NIGHTS OF CLOUMBUS COUNCIL
#3080
3999 N DIXIE HWY
OAKLAND PARK FL 33334

67 LIQUOR SHOP
1583 E OAKLAND PARK BLVD
OAKLAND PARK FL 33304

7-ELEVEN STORE #23656
600 E OAKLAND PARK BLVD
OAKLAND PARK FL 33304

7-ELEVEN STORE #24350
3800 N ANDREWS AVENUE
OAKLAND PARK FL 33304

7-ELEVEN STORE #10437
5890 N ANDREWS AVE
OAKLAND PARK FL 33334

AAA LIQUOR
2160 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

ALBERTSONS #4319
950 NE 50 STREET
OAKLAND PARK FL 33334

ALBERTSONS #4319
960 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

ALLIGATOR ALLEY
1321 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

ALPHA SERVICE STATION
TEXACO
1598 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

AMAZING GRAPES
792-A E PROSPECT ROAD
OAKLAND PARK FL 33334

ANNIES KITCHEN
3591 N ANDREWS AVENUE
OAKLAND PARK FL 33309

AREA 7 MUSIC AND ALE
3809 POWERLINE ROAD
OAKLAND PARK FL 33309

ATLANTIC FOOD STORE
4010 NW 9 AVENUE
OAKLAND PARK FL 33309

AUGUST RESTAURANT &
CATERING
2510 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

BASKET CASE
2524 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

BEER SHOP (THE)
4137 N DIXIE HIGHWAY
OAKLAND PARK FL 33334

BIDDY EARLYS
3419 N ANDREWS AVENUE
OAKLAND PARK FL 33309

BRITISH DEPOT EAST
1322 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

BUCK & MARYS OWLS NEST
CLUB INC
3301 NE 3 AVENUE
OAKLAND PARK FL 33334

CABO BLANCO
948 NE 62 STREET
OAKLAND PARK FL 33334

CAFFE ITALIA
3471 N FEDERAL HWY #102
OAKLAND PARK FL 33306

CAJUN FOOD
3161 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

CATFISH DEWEYS
4003 N ANDREWS AVENUE
OAKLAND PARK FL 33334

CHEVRON
3099 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

CIELITO LINDO TRES
91 E PROSPECT ROAD
OAKLAND PARK FL 33334

COMMERCIAL & DIXIE CITGO
999 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

CONTINENTAL MARKET
3980 N ANDREWS AVENUE
OAKLAND PARK FL 33309

CORINTO RESTAURANT
4390 N DIXIE HWY
OAKLAND PARK FL 33334

CUSCATLAN
3710 N ANDREWS AVENUE
OAKLAND PARK FL 33309

CVS PHARMACY #5250
3090 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

DELS BAIT AND TACKLE LLC
73 W PROSPECT ROAD
OAKLAND PARK FL 33309

DISCOUNT LIQUOR (A)
3798 N ANDREWS AVENUE
OAKLAND PARK FL 33309

DIXIE PIG BAR-B-Q
4495 N DIXIE HWY
OAKLAND PARK FL 33334

DIXIE SHELL & CAR WASH
3091 N DIXIE HIGHWAY
OAKLAND PARK FL 33334

DIXIE SUNOCO
4990 N DIXIE HWY
OAKLAND PARK FL 33334

DRAGON TEA HOUSE
RESTAURANT
1327 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

EL PALACIO HOTEL / LEGENDS
SPORTS GRILL
4900 POWERLINE ROAD
OAKLAND PARK FL 33309

EL QUETZAL CUBAN & MEXICAN
RESTAURANT
1678 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

EZ MART
4601 POWERLINE ROAD
OAKLAND PARK FL 33309

EL JITAS SPANISH MEXICAN
RESTAURANT
3234 N ANDREWS AVENUE
OAKLAND PARK FL 33309

FARM STORE # 3102
4420 NE 1 TERRACE
OAKLAND PARK FL 33334

FARM STORES
1301 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

FOE GOLD COAST AERIE #3700
INC
560 NE 36 STREET
OAKLAND PARK FL 33334

FOX AND HOUNDS
4812 N DIXIE HWY
OAKLAND PARK FL 33304

G A T R INC
1121 E COMMERCIAL BLVD
STE D
OAKLAND PARK FL 33334

GINOS ITALIAN RISTORANTE
5073 N DIXIE HIGHWAY
OAKLAND PARK FL 33334

GMA INT'L GROUP INC.
3298 NW 9 AVENUE
OAKLAND PARK FL 33309

GOREN CHEVRON
1401 E COMMERCIAL BLVD
OAKLAND PARK FL 33308

GRANNY'S
3236 NE 11 AVENUE
OAKLAND PARK FL 33334

HESS EXPRESS #09301
3300 N ANDREWS AVENUE
OAKLAND PARK FL 33309

HIROS SUSHI EXPRESS
1506 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

INTERNATIONL FOOD & LIQUOR
E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

JENARITOS
285 NE 44 STREET
OAKLAND PARK FL 33334

JOHNNY FUCI FINO'S
2500 W OAKLAND PARK BLVD
OAKLAND PARK FL 33331

JOHNNY'S NY PIZZA
3701 N ANDREWS AVENUE
OAKLAND PARK FL 33309

JUMBO SUBS & BEVERAGES
228 W PROSPECT ROAD
OAKLAND PARK FL 33309

KALAHARI BAR
4446 NE 20 AVENUE
OAKLAND PARK FL 33308

KENKOU SUSHI AND HIBACHI
952 CYPRESS CREEK RD
OAKLAND PARK FL 33334

KMART #4243
670 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

KWIK PIC FOOD STORES
599 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

KWIK STOP
310 NE 38 STREET
OAKLAND PARK FL 33334

KYOJIN BUFFET
3485 N FEDERAL HWY
OAKLAND PARK FL 33306

LA BAMBA MEXICAN & SPANISH
REST III INC
4245 N FEDERAL HWY
OAKLAND PARK FL 33308

LA MOLIENDA RESTAURANT
119 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

LAKE EMERALD OWNERS
ASSOCIATION INC
107 LAKE EMERALD DRIVE
OAKLAND PARK FL 33309

LATIN AMERICAN FOOD STORE
316 NE 38 STREET
OAKLAND PARK FL 33334

LATINO SUPERMARKET EL
PROVEEDOR INC
335 NE 44 STREET
OAKLAND PARK FL 33334

LEMONGRASS ASIAN BISTRO
3811 N FEDERAL HWY
OAKLAND PARK FL 33308

LEXYMARTI SHELL
2090 W OAKLAND PARK BLVD
OAKLAND PARK FL 33312

LIPS RESTAURANT
1421 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

LITTLE FOOD STORE
96 NW 42 STREET
OAKLAND PARK FL 33304

LOREN FOOD MART
3801 POWRLINE ROAD
OAKLAND PARK FL 33309

LUCARELLAS
4165 N DIXIE HIGHWAY
OAKLAND PARK FL 33334

LUCHIS MEAT MARKET & DELI
882 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

MAI KAI RESTAURANT
3599 N FEDERAL HWY
OAKLAND PARK FL 33308

MARATHON GAS STATION
1500 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

MARIES MARKET
4390 NW 31 AVENUE
OAKLAND PARK FL 33309

MIKADO JAPANESE
RESTAURANT
977 E COMMERCIAL BLVD
OAKLAND PARK FL 33304

MIS CUE LOUNGE
975 NE 44 STREET
OAKLAND PARK FL 33334

MOES MARKET & DELI
1536 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

NATIONAL FOOD STORE
443 NW 44 STREET
OAKLAND PARK FL 33309

NEW JERSEY GROCERY & DELI
INC
200 NE 44 STREET
OAKLAND PARK FL 33304

NORTH LAUDERDALE ELKS
LODGE #2407
240 W PROSPECT ROAD
OAKLAND PARK FL 33309

NORTHRIDGE RAW BAR &
RESTAURANT
969 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

OAK TREE COUNTRY CLUB
2400 W PROSPECT ROAD
OAKLAND PARK FL 33309

OAKLAND PARK AMOCO
2091 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

OAKLAND PARK NEWS &
VARIETY
3764 NE 12 AVENUE
OAKLAND PARK FL 33334

PETER PAN DINER
1216 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

PETROAMERICA
3100 NW 9 AVENUE
OAKLAND PARK FL 33334

PINHOS BAKERY & DELI
4363 N ANDREWS AVENUE
OAKLAND PARK FL 33309

PIZZA & BREW
53 NE 44 STREET
OAKLAND PARK FL 33334

PRIMAVERA RESTAURANT
830 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

PROSPECT NEWS AND BOOKS
55 NE 44 STREET
OAKLAND PARK FL 33334

PROSPECT FOOD SHOP INC
598 NE 44 STREET
OAKLAND PARK FL 33334

PUBLIX SUPERMARKETS INC
#0750
1003 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

PURE PLATINUM
3411 N FEDERAL HWY
OAKLAND PARK FL 33306

RA FOOD STORE
1190 NE 34 COURT
OAKLAND PARK FL 33334

RACETRAC 121
2351 W OAKLAND PARK BLVD
OAKLAND PARK FL 33311

RAG DOLL BAR & GRILL
31 NE 44 STREET
OAKLAND PARK FL 33334

RENDEZVOUS
1576 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

RITE STOP FOOD STORE #796
4050 N DIXIE HWY
OAKLAND PARK FL 33309

RUDYS CLOVER BAR &
PACKAGE
3635 N ANDREWS AVENUE
OAKLAND PARK FL 33309

SAMER FOOD MARKET INC
2800 NW 21 AVENUE
OAKLAND PARK FL 33311

BIG TS 42ND STREET PUB
88 NW 42 STREET
OAKLAND PARK FL 33309

SHOP "BP AMOCO"
4389 N ANDREWS AVENUE
OAKLAND PARK FL 33309

SMITTYS OLD FASHIONED SHOP
1980 NE 45 STREET
OAKLAND PARK FL 33304

SOLID GOLD OF FORT
LAUDERDALE
3339 N FEDERAL HWY
OAKLAND PARK FL 33306

SQUARE K
4401 N DIXIE HWY
OAKLAND PARK FL 33334

SQUARE K
4401 N DIXIE HWY
OAKLAND PARK FL 33334

STABLE (THE)
205 E OAKLAND PARK BLVD
OAKLAND PARK FL 33308

SUGAR
3471 N FEDERAL HWY STE 101
OAKLAND PARK FL 33306

TAMOCO GAS STATION
1 POWERLINE ROAD
OAKLAND PARK FL 33309

SUPER STOP 701
3100 NW 9 AVENUE
OAKLAND PARK FL 33309

SUSHI THAI CORP
3341 N FEDERAL HWY
OAKLAND PARK FL 33306

TAMERS FOOD MART
4610 NE 6 AVENUE
OAKLAND PARK FL 33334

TEQUILA SUNRISE MEXICAN
GRILL
4711-C N DIXIE HWY
OAKLAND PARK FL 33334

TERRA NOSSA
1311 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

TEXACO
1600 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

TEXACO
2699 W OAKLAND PARK BLVD
OAKLAND PARK FL 33309

THAI SPICE
1514 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

THOMAS P JOHNSTON PT 222
4250 NE 5 AVENUE
OAKLAND PARK FL 33334

TOKYO
1361 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

TORTILLA MEXICAN
4115 N DIXIE HWY
OAKLAND PARK FL 33334

ULTIMATE CUISINE INC
4072 NE 5 TERRACE
OAKLAND PARK FL 33334

URBAN MARKET
1536 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

USA FOOD STORE
1040 W PROSPECT ROAD
OAKLAND PARK FL 33309

VALERO
1251 NE 45 STREET
OAKLAND PARK FL 33334

VALERO EAST
1201 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

VILLAS
1417 E COMMERCIAL BLVD
OAKLAND PARK FL 33334

WINE CELLAR (THE)
199 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

WINE WAREHOUSE OF FT
LAUDERDALE
1301 E OAKLAND PARK BLVD
OAKLAND PARK FL 33334

WINGS PLUS
87 W PROSPECT RD
OAKLAND PARK FL 33309

WINN DIXIE STORE #296
3500 N ANDREWS AVENUE
OAKLAND PARK FL 33309

YOUR NEIGHBORHOOD
GROCERY
902 NE 62 STREET
OAKLAND PARK FL 33334

ZANS DIXIE GROUP INC
3101 N DIXIE HWY
OAKLAND PARK FL 33311

ZANS POWER GROUP INC
901 W OAKLAND PARK BLVD
OAKLAND PARK FL 33308

DOWNTOWN PIZZA
906 NE 62 STREET
OAKLAND PARK FL 33334

BOARS NEST SALOON
381 W PROSPECT ROAD
OAKLAND PARK FL 33309

1
2
3 **ORDINANCE NO. O-2009-XXX**

4 **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY**
5 **OF OAKLAND PARK, FLORIDA, AMENDING THE CODE OF**
6 **ORDINANCES BY SPECIFICALLY AMENDING CHAPTER 3**
7 **“ALCOHOLIC BEVERAGES”, ARTICLE I. “IN GENERAL”,**
8 **SECTION 3-1, ENTITLED “DEFINITIONS” TO PROVIDE FOR**
9 **NEW “DEFINITIONS”; BY SPECIFICALLY AMENDING**
10 **SECTION 3-23 ENTITLED “PERMITS REQUIRED FOR**
11 **PREMISES TO REMAIN OPEN PAST MIDNIGHT;**
12 **REVOCATION, SUSPENSION OF STATE BEVERAGE LICENSE”**
13 **TO PROVIDE FOR A NEW CERTIFICATION REQUIREMENT**
14 **AND BY SPECIFICALLY CREATING SECTION 3-32 TO BE**
15 **ENTITLED “PERSONAL ALCOHOLIC BEVERAGE**
16 **SELLER/SERVER’S EDUCATION, TRAINING AND**
17 **CERTIFICATION” UNDER CHAPTER 3 “ALCOHOLIC**
18 **BEVERAGES”, ARTICLE II “REGULATING SALES”;**
19 **PROVIDING FOR DEFINITIONS; PROVIDING FOR**
20 **SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING**
21 **FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

22 **WHEREAS**, the City Commission deems it appropriate and in the best interests
23 of the residents of Oakland Park to amend provisions of Chapter 3 entitled “Alcoholic
24 Beverages” of the Code of Ordinances relative to the existing “permits required for
25 premises to remain open past midnight; revocation, suspension of state beverage license”
26 section and the new “personal alcoholic beverage seller/server’s education, training and
27 certification” section for the sale of alcoholic beverages; and
28

29 **WHEREAS**, in the cases of recent state and Local Law Enforcement activities
30 related to the illegal alcoholic beverage sales to underage persons at bars, nightclubs,
31 restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores,
32 food and grocery stores, supermarkets and like retail establishments that have a state
33 approved alcoholic beverage license in Broward County and Oakland Park an analysis of
34 data was compiled by the Division of Alcoholic Beverages and Tobacco (AB&T) from
35 compliance checks for the years 2005 through 2006 (with 17 arrests), 2006 through 2007
36 (with 24 arrests) and 2007 through 2008 (with 52 arrests). The data from the AB&T
37 compliance checks related to illegal alcoholic beverage sales to underage persons have
38 revealed an approximate 70% compliance rate for Broward County which also is a 30%
39 noncompliance rate. Compliance checks conducted within the City of Oakland Park have
40 revealed a 72% compliance rate and a 28% non-compliance rate. These compliance rates
41 are approximately 20% below the state average of 90-92%. State and Local Law
42 Enforcement agencies seek to improve the compliance rates related to illegal alcoholic
43 beverage sales to underage persons by requiring a state-accepted personal alcoholic
44 beverage seller/server’s education, training and certification class/course and/or program
45 in order to diminish this illegal activity.
46

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underlined type are additions.

1 **WHEREAS**, the City Commission of Oakland Park finds and determines that the
2 noncompliance rate of 28% referenced herein is detrimental and injurious to the health,
3 safety and welfare of the residents of the city of Oakland Park.
4

5 **WHEREAS**, the City Commission hereby finds by requiring that individuals who
6 sell alcoholic beverages be certified as having completed a state-accepted personal
7 alcoholic beverage seller/server’s education, training and certification class/course and/or
8 program with this the City gains additional authority to regulate the “permits required for
9 premises to remain open past midnight; revocation, suspension of state beverage license”.
10 This requirement pertains to any person that works as a manager, alcoholic beverage
11 seller/server, store clerk and/or in any other capacity and to penalize those individuals
12 who do not possess a state-accepted certification to sell alcoholic beverages in open past
13 midnight alcoholic beverage establishments;
14

15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
16 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**
17

18 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and
19 confirmed as being true and correct and are hereby made a part of this Ordinance.
20

21 **Section 2.** Section 3-1 entitled “Definitions” of Chapter 3 entitled “Alcoholic
22 Beverages”, Article I “In General” of the Code of Ordinances is hereby amended to
23 provide new definitions as follows:
24

25 **Sec. 3-1. Definitions.**
26

27 [As used in this chapter, the following terms shall have the meanings ascribed to them
28 herein:]
29

30 (s) Certification Enforcement Authority. Shall mean the city of Oakland Park in
31 conjunction with state and local law enforcement agencies.
32

33 (t) Personal alcoholic beverage seller/server's training, education and certification
34 A state-accepted education, training and certification class/course and/or program with a
35 curriculum that fully adheres to the following education/training objections:

- 36 1. An understanding of the importance of responsible alcohol sales/service.
- 37 2. Knowledge of the laws that control the sale/service of alcohol.
- 38 3. Knowledge of how to check IDs, refuse service to underage and
39 intoxicated customers, prevent alcohol sales to underage persons.
- 40 4. The awareness that there is a positive relationship between responsible
41 alcohol sales/service and profitability.

42 The intent is have sellers/servers trained on the procedures related to the sale of alcoholic
43 beverages from bars, nightclubs, restaurants, restaurant bars, convenience stores, gasoline
44 service stations, liquor stores, package, food and grocery stores, supermarkets and like
45 retail establishments that have a state approved alcoholic beverage license within the City
46 of Oakland Park.

1
2 (u) Other Alcoholic Beverages. Means a fermented or distilled beverage including
3 alcohol, spirits, liquor, wine, beer, energy drinks and any other liquid or solid containing
4 alcohol, spirits, wine or beer that contains one-half of one percent or more of alcohol by
5 volume and that is fit for beverage purposes either alone or when diluted, mixed, or
6 combined with other substances and not limited to any other concoctions containing
7 alcohol, spirits, liquor, wine, beer, energy drinks and any other liquid or solid.

8
9 (v) Personal Alcoholic Beverage Seller/Server's Education/Training Certification. A
10 certification of completion of a state-accepted personal alcoholic beverage seller/server's
11 education, training and certification class/course and/or program.

12
13 **Section 3.** Section 3-1 entitled "Permits required for premises to remain open
14 past midnight; revocation, suspension of state beverage license" of Chapter 3 entitled
15 "Alcoholic Beverages", Article I "In General" of the Code of Ordinances is hereby
16 amended to provide a new incentive related to the "Personal alcoholic beverage
17 seller/server's training, education and certification" as follows:

18
19 **Sec. 3-23. Permits required for premises to remain open past midnight; revocation,**
20 **suspension of state beverage license.**

21
22 (a) *Permits required.*

23
24 (1) All vendors who are licensed by the state division of beverage desiring to
25 remain open for business for the purposes of selling, offering for sale, delivery,
26 serving or permitting liquors, beers or wines of any alcoholic content between the
27 hours of midnight and 2:00 a.m. on weekdays and midnight and 3:00 a.m. on
28 Sundays shall make application with the city manager for an open past midnight
29 permit, at such time as the vendor applies for an occupational license pursuant to
30 Chapter 7, Article II, of the Code of Ordinances.

31
32 (2) The open past midnight permit application shall be on forms provided by the
33 city and shall contain the following:

- 34
35 a. The name of applicant;
36 b. The location where the business is to be conducted;
37 c. The names of the individuals operating the business under their own
38 names or under a trade name;
39 d. The names and addresses of the officers and all persons having a
40 financial interest of five (5) percent or more in the vendor;
41 e. Photocopies of the state application for the state beverage license and
42 said license;
43 f. The applicant's current City of Oakland Park occupational license
44 number;
45 g. An application fee in accordance with the following schedule:
46 Nonprofit fraternal, civil organization . . . ~~\$150.00~~ \$1,500.00

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underlined type are additions.

Vendors licensed for off-premises consumption only . . . ~~200.00~~ \$2,000.00
Restaurants, restaurant bars, hotel and motel bars . . . ~~200.00~~ \$2,000.00
Bars . . . ~~200.00~~ \$2,000.00

(3) The city manager or his designee shall review the open past midnight permit application and, if the application is complete, a permit shall be issued to the vendor to remain open between the hours of 12:01 a.m. and 2:00 a.m. on weekdays and 12:01 a.m. and 3:00 a.m. on Sundays.

(4) Such open past midnight permit shall be renewed annually on or before the thirtieth day of September, unless it is suspended or revoked or unless there is a change in ownership, change in ownership of shares or change in location.

(5) The open past midnight permit application fee for such permit issued on or after the first day of April shall be one-half (1/2) the rate in accordance with the appropriate fee schedules.

(6) In order for all of the alcoholic beverage establishments located within the city an alcoholic beverage establishment to be eligible for a open past midnight permit, the privilege to sell, offer for sale, deliver, serve or permit liquors, beers or wines of any alcoholic content between the hours of midnight and 2:00 a.m. on weekdays and midnight and 3:00 a.m. on Sundays shall be granted by the city manager if an establishment and their employees participate in a state-accepted personal alcoholic beverage seller/server's education, training and certification program as described in Section 3-32.

(7) No person shall work as a manager, alcoholic beverage seller/server, store clerk, and/or in any other capacity in any alcoholic beverage establishment open past midnight until certification by all applicants of a state-accepted personal alcoholic beverage seller/server's education, training and certification class/course and/or program is obtained, provided to the city and a open past midnight permit is granted by the city manager.

(b) *Permit revocation, suspension.* The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage beyond the hour of 12:00 midnight on any day of the week including Sunday, is hereby declared to be and is a privilege subject to termination by the city commission, and no person may reasonably rely on a continuation of that privilege.

(1) If at any time the city manager determines that any person, vendor, distributor, or any place of business is operating in any manner harmful to the public health, safety or welfare, or has been convicted of a violation of the laws of the United States, state of Florida, and Code of Ordinances of the City of Oakland Park, by the permittee or his or its agents, servants, or employees on the license premises or elsewhere while in the scope of employment or has had his state beverage license revoked or suspended by the division of alcoholic beverages of

1 the department of business regulation or has violated a rule or regulation
2 promulgated by the Florida division of beverage, he shall place on the city
3 commission agenda the matter of revoking the above privilege.
4

5 (2) Such agenda item shall be publicly advertised in a newspaper of general
6 circulation and written notice of the charges against the person, permittee, vendor,
7 distributor or place of business shall be sent to him at least fourteen (14) days in
8 advance and shall also contain the date, time and place of such agenda item. Said
9 notice shall also advise the person of his right to be heard, of his right to be
10 represented by counsel, of his right to present sworn testimony and evidence on
11 his behalf, and his right of appeal to circuit court if necessary.
12

13 (3) After consideration of the matter and allowing the person to be heard, the
14 city commission may revoke or condition the privilege. The criteria to be used by
15 the city manager and city commission shall be the criteria specified in
16 subparagraphs (3) (a), (b), (c), (d) and (e) below:
17

18 (a) The amount of off-street parking in relation to the demands created by
19 the extra hours of operation, especially with regard to the adverse impact
20 on adjacent residential areas of any illegal or hazardous parking.
21

22 (b) The amount and degree of law enforcement activities generated by
23 the extra hours of operation, both outside and inside the particular
24 location, with particular emphasis on the vandalism, noise, vehicular use
25 by patrons and illegal activity of any kind by employees, patrons or others
26 associated with the establishment during or immediately after the extra
27 hours of operation.

28 (c) The adverse effects, if any, that the extra hours of operation will have
29 on neighboring properties, especially with respect to the effects of noise,
30 parking and glare from headlights or exterior lighting on nearby residential
31 properties.
32

33 (d) Such licenses shall only be granted to those establishments which are
34 wholly enclosed, soundproofed, and air-conditioned, and any windows,
35 doors or other opening kept closed, except for normal and emergency
36 ingress and egress, in order that noise and music emanating there from
37 will not disturb the peace and quiet of the neighborhood; provided,
38 however, that the city commission may, in its discretion, grant an extra
39 hours license to an establishment that is not wholly enclosed,
40 soundproofed and air-conditioned, upon a showing that said establishment
41 does not disturb the peace and quiet of the surrounding neighborhood.
42

43 (e) The city commission may require, as a condition of the privilege of
44 extra hours of operation, compliance with any reasonable conditions
45 deemed by the commission to be necessary to mitigate or eliminate the
46 adverse effects of such extra hours. These conditions may include, without

1 being limited to, provision by the owner or operator of the premises to
2 provide, at his expense, additional off-street parking, security personnel
3 and screening and buffering from nearby properties.
4

5 (f) Should the permit be revoked or conditioned, the person, permittee,
6 vendor, distributor or place of business may seek review of such action
7 before the city commission after three (3) months. The commission may
8 then modify or refuse to modify its action. Only one (1) such review shall
9 be given within a twelve-month period.
10

11 **Section 4.** Section 3-32 entitled “Local Merchant Education, Training and
12 Certification Program” of Chapter 3 entitled “Alcoholic Beverages”, Article II
13 “Regulating Sales” of the Code of Ordinances is hereby created to read as follows:
14

15 **Sec. 3-32. Personal Alcoholic Beverage Seller/Server’s Education, Training and**
16 **Certification.**
17

18 (A) Declaration of intent. It is the legislative intent of the city commission to require
19 that all persons employed as managers, beverage sellers/servers, store clerks and persons
20 who sell alcoholic beverages in any existing and new open past midnight permit type
21 alcoholic establishments as provided for in Section 3-23 and that are licensed by the city
22 or in any other capacity at bars, nightclubs, restaurants, restaurant bars, convenience
23 stores, gasoline service stations, liquor stores, package, food and grocery stores,
24 supermarkets and like retail establishments that have a state approved alcoholic beverage
25 license possess a personal alcoholic beverage seller/server’s education/training
26 certification that is accepted by the city manager if the course/class and/or program with a
27 curriculum that fully adheres to the following education/training objections:

- 28 1. An understanding of the importance of responsible alcohol sales/service.
- 29 2. Knowledge of the laws that control the sale/service of alcohol.
- 30 3. Knowledge of how to check IDs, refuse service to underage and
31 intoxicated customers, prevent alcohol sales to underage persons.
- 32 4. The awareness that there is a positive relationship between responsible
33 alcohol sales/service and profitability.

34 This places responsibility directly on the owner, manager and/or employee to comply
35 with city and state laws and codes regarding alcoholic beverage sales and also be subject
36 to the penalties as identified in Sec. 3-23 (b) and Sec. 3-26. This education/training
37 certification is granted to the owner, manager and/or employee and is not attached to a
38 specific employment situation or city occupational business license other than the open
39 past midnight permit.
40

41 (1) Requirements. No person shall work as a manager, beverage seller/server, store
42 clerk, and/or in any other capacity in such open past midnight permit type establishments
43 granted by the city including any bars, nightclubs, restaurants, restaurant bars,
44 convenience stores, gasoline service stations, liquor stores, package, food and grocery
45 stores, supermarkets and like retail establishments that have a state approved alcoholic
46 beverage license where such person may sell or deliver alcoholic beverages in or from

1 premises licensed under Chapter 7 of the City of Oakland Park Code of Ordinances, and
2 no licensee shall permit any such person to be so employed, unless such person, within
3 seven (7) days after being first employed, shall provide a personal alcoholic beverage
4 seller/server's education/training certification to the city to engage in such business. No
5 person may be so employed to sell alcoholic beverages for any length of time the
6 applicant's certification is not obtained.

7
8 (2) Possession of Certification. The holder of a personal alcoholic beverage
9 seller/server's certification must provide a copy to the city, posses and provide proof of
10 certification at all times while on duty or in the employment at any past midnight type
11 bar, nightclub, restaurant, restaurant bar, convenience store, gasoline service station,
12 liquor store, food and grocery store, supermarket and like retail establishments that have
13 a state approved alcoholic beverage license within the City of Oakland Park. Failure to
14 posses or provide proof of the seller/server's education/training certification will subject
15 the alcoholic beverage establishment owner/manager to the penalties as identified in Sec.
16 3-23 (b) and Sec. 3-26. In addition, the owner/manager of any such existing and/or new
17 open past midnight type establishment licensed by the city that does not notify their
18 employee of the needed possession of the education/training certification requirement
19 will be subject to the penalties identified in Sec. 3-23 (b) and Sec. 3-26.

20
21 (3) Posting of Sign. Every owner of an existing or new open past midnight permit type
22 establishment licensed by the city or in any other capacity such as bars, nightclubs,
23 restaurants, restaurant bars, convenience stores, gasoline service stations, liquor stores,
24 food and grocery stores, supermarkets and like retail establishments that have a state
25 approved alcoholic beverage license and that sell alcoholic beverages pursuant to the
26 provisions of this article shall post a copy of all operational standards, training
27 requirements and any special conditions of the permit and participation in a state-
28 accepted personal alcoholic beverage seller/server's education/training certification
29 class/course and/or program in at least one prominent place within the interior of the
30 establishment where it will be readily visible and legible to the employees and patrons of
31 the establishment. Failure to provide an approved alcoholic beverage sales sign and
32 proof of certification will subject the alcoholic beverage establishment owner/manager to
33 the penalties as identified in Sec. 3-23 (b) and Sec. 3-26.

34
35 **Section 5** If any section, subsection, sentence, clause or provision of this
36 Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such
37 invalidity.

38
39 **Section 6** That all ordinances or parts of ordinances and all resolutions or
40 parts of resolutions in conflict with this Ordinance are repealed to the extent of such
41 conflict.

42
43 **Section 7** It is the intention of the City Commission of the City of Oakland Park,
44 that the provisions of this Ordinance shall become and be made a part of the Code of
45 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may

1 be renumbered, re-lettered and the word "Ordinance" may be changed to "Section,"
2 "Article," or such other word or phrase in order to accomplish such intention.

3
4 **Section 8** This Ordinance shall be effective ninety (90) days following its
5 passage and adoption by the City Commission of the City of Oakland Park.
6

7 **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**
8 **FLORIDA, ON FIRST READING, THIS 21 DAY OF JANUARY, 2009.**

9
10 S. ARNST YES
11 A. MURPHY YES
12 S. BOISVENUE YES
13 L. GIERER YES
14 L. WALLS YES
15

16 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**
17 **OAKLAND PARK, FLORIDA, ON SECOND READING, _____ DAY OF**
18 **FEBRUARY, 2008.**

19
20
21 CITY OF OAKLAND PARK,
22 FLORIDA
23

24
25
26 _____
27 MAYOR LAYNE DALLETT WALLS

28 S. ARNST _____
29 A. MURPHY _____
30 S. BOISVENUE _____
31 L. GIERER _____
32 L. WALLS _____
33

34 ATTEST:

35
36 _____
37 JANETTE M. SMITH
38 CITY CLERK
39

40 LEGAL NOTE
41 I hereby certify that I have
42 approved the form of this Ordinance. (0-2009-XXX)
43

44 _____
45 DONALD J. DOODY
46 CITY ATTORNEY

CODING: Words in ~~struck through~~ type are deletions from existing law;
Words in underlined type are additions.

