



Before the Lease Is Signed: A Broker's Guide to Alcohol Licensing Due Diligence in Miami-Dade County

Commercial real estate brokers representing restaurants, bars, breweries, package stores, and other alcohol-related concepts in Miami-Dade County can add value to clients by identifying during the site diligence phase whether alcohol can be sold at a given space.

The answer will largely depend on a layered set of state and local rules, and those layers do not always line up neatly.

Start With the License, Not the Space

Not every alcohol-related business needs the same type of alcohol beverage license, and the license type often drives the zoning analysis that follows. Florida's Division of Alcoholic Beverages and Tobacco (DABT) issues several common retail-type alcohol beverage licenses:

- **On-Premise Beer and Wine (2COP)**: typical for cafés, delis, and smaller restaurants; also permits sealed-container package sales of beer and wine.
- **Package / Off-Premise Beer and Wine (2APS)**: typical for convenience stores, gas stations, and supermarkets.
- **Full liquor for qualifying restaurants (4COP-SFS)**: allows on-premise sale of spirits, wine, and beer for restaurants meeting specific square-footage, seating, and food-revenue tests under Fla. Stat. § 561.20(2)(a)(4).
- **Full liquor, quota-based (4COP quota)**: for bars, nightclubs, and other establishments that do not qualify as 4COP-SFS restaurants. These licenses are capped by a population-based formula (one new license per 7,500-population increase) and must be purchased on the secondary market or won through

DABT's annual lottery.

The Jurisdiction Puzzle

Miami-Dade County is made up of 34 separate incorporated municipalities, plus large, unincorporated areas, each with its own zoning code, approval process, and alcohol-specific rules. This matters for brokers, because a property's mailing address is not a reliable guide to which government actually regulates it. Neighborhoods like Wynwood, Coconut Grove, and the Design District, for example, sit within the City of Miami's jurisdiction even though they're colloquially treated as their own areas. A "Doral" or "South Miami" mailing address doesn't guarantee the property is actually inside that municipality's boundaries. The first due diligence step on any deal should be confirming, definitively, which municipality (or unincorporated county government) has zoning authority over the parcel.

Zoning: By Right, By Warrant, By Exception?

Once jurisdiction is confirmed, the next question is how that specific zoning district treats the proposed alcohol use. Municipal land development codes typically sort uses into tiers:

- Allowed **by right**, with no discretionary approval needed beyond permitting.
- Allowed with **administrative approval** (e.g., a "warrant" process under some codes). These are administrative processes that typically do not require public hearing.
- Allowed only by **exception**, following a public hearing before a zoning or planning board. This can take months and invites community opposition and can involve more than one public hearing.
- **Prohibited** outright in that district.

In the City of Miami, for instance, alcohol-related uses are addressed through the City of Miami 21 Zoning Code, where certain alcohol uses (bars, lounges, nightclubs) are treated more restrictively than food-service uses like restaurants, which may be permitted by right in some districts. Every municipality structures this differently, so this analysis must be done for each jurisdiction. Unfortunately, there is no one-size-fits-all countywide standard.

Distance Separation Issues

Many Florida municipalities impose minimum-distance requirements between alcohol establishments and sensitive uses, like residential zones, schools, churches, and parks. These ordinances often also mandate spacing requirements between alcohol establishments themselves. The City of Miami's Code of Ordinances addresses alcohol beverage establishments in Chapter 4, generally in conjunction with the City of Miami 21 Zoning Code. Because these separation requirements, and their exceptions, are amended periodically and vary by neighborhood overlay district, brokers and clients should confirm the current, applicable distances directly with the municipality (or through counsel).

Some municipalities also require a signed and sealed radial survey to demonstrate compliance before an application will even be accepted.

Don't Forget Local Licensing

A DABT license alone often is not enough. Most municipalities require their own local approval, in the form of a Certificate of Use, a local business tax receipt, or both, before they will sign off on a state alcohol application. Municipalities in Miami-Dade County typically will not even begin that local process until a construction-related Certificate of Occupancy is in hand. This sequencing issue catches operators off guard constantly: construction finishes, but the alcohol license is still months away because the local approval chain hadn't been started early enough.

A Broker's Pre-LOI Checklist

Before your client signs a lease or goes under contract:

1. Confirm the DABT license type the concept actually needs.
2. Confirm which municipality (or the county) has zoning jurisdiction over the specific parcel. Don't rely on the mailing address.
3. Pull the current zoning designation and confirm how that district treats the proposed use (by right, by warrant, by exception, or prohibited).
4. Confirm current distance-separation requirements and any applicable exceptions with the municipality directly.

5. Determine whether local licensing or a Certificate of Use is required, and how it sequences with construction milestones.
6. Confirm whether the area has a license cap or quota that could block an otherwise compliant use.

Takeaway

The success of alcohol-related real estate deals hinges on proper licensing and land use due diligence. Engage alcohol beverage counsel before the lease is signed, not after construction begins. Early legal review can make the difference between a smooth opening and a costly dead end.

This blog was drafted by Valerie Haber, an attorney on the Spencer Fane Food and Beverage Law team. For more information, visit spencerfane.com.

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