

ORDINANCE NO. 2009-61

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TEMPORARILY AMENDING COUNTY ORDINANCE NO. 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE TEMPORARY EXTENSION OF HOURS OF SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR EFFECTIVE DATES FOR TEMPORARY EXTENSION OF HOURS; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE NO. 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SUNSET OF THIS ORDINANCE; PROVIDING FOR EFFECT OF SUNSET OF THIS ORDINANCE; PROVIDING FOR THE RE-ESTABLISHMENT OF ST. JOHNS COUNTY ORDINANCE NO. 90-48; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Chapters 561, 562, 563, 564, 565, 567, and 568, Florida Statutes are referred to as the Florida Beverage Law; and

WHEREAS, Section 562.14, Florida Statutes states in relevant part, “[e]xcept as otherwise provided by county or municipal ordinance, no alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license...between the hours of midnight and 7 a.m. of the following day.”; and

WHEREAS, Section 562.45(2)(a), Florida Statutes, allows a county of the State to enact ordinances regulating, among other things, the hours of business of any licensee of a State beverage license; and

WHEREAS, in accord with Section 562.45(2)(a), Florida Statutes, St. Johns County enacted St. Johns County Ordinance 90-48; and

WHEREAS, St. Johns County Ordinance 90-48 regulates the sale, service, and consumption of alcoholic beverages, including beer, malt beverages, wines, and liquor, by persons and entities holding a State beverage license in St. Johns County; and

WHEREAS, St. Johns County Ordinance 90-48, establishes and authorizes that beer, malt beverages, and wines, as defined by State Statutes, may be sold for off-premise consumption in any place holding a valid license from the Florida Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation (hereinafter referred to as the “State beverage department”) between the hours of 6:00 a.m. and 1:00 a.m. of the following day on each day, including Sundays; and

WHEREAS, St. Johns County Ordinance 90-48, establishes and authorizes that beer, malt beverages, and wines, as defined by State Statutes, may be sold, served, or consumed in any place holding a valid license from the State beverage department between the hours of 7:00 a.m. and 1:00 a.m. of the following day on each day, including Sundays; and

WHEREAS, St. Johns County Ordinance 90-48, establishes and authorizes that liquor as defined by State Statutes, may be sold served, or consumed in any place holding a valid license from the State beverage department between the hours of 7:00 a.m. of one day and 1:00 a.m. of the following day; provided, however, that the sale of such liquors on Sunday shall be from 1:00 p.m. to 1:00 a.m. of the following Monday; and

WHEREAS, certain entities that hold State beverage licenses in St. Johns County, have expressed a desire that the County extend the hours of sale, service, and consumption of alcoholic beverages, including beer, malt beverages, wines, and liquor, in order to provide an increased economic opportunity for holders of such State beverage licenses; and

WHEREAS, some restaurants and restaurant owners located within St. Johns County, who hold State beverage licenses, have indicated that food/meal sales will increase if the hours of sale, service, and consumption of alcoholic beverages is extended; and

WHEREAS, it is prudent for St. Johns County to gauge, examine, and determine, whether an extension of the hours of sale, service, and consumption of alcoholic beverages, is in the best long-term interests of the County; and

WHEREAS, temporarily extending the hours of sale, service, and consumption of alcoholic beverages will provide the Board of County Commissioners (Board) an opportunity to gauge, examine, and determine whether a temporary extension should be further extended, and/or become permanent.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Findings of Fact.

The above recitals are incorporated by reference into the body of this Ordinance, and such recitals are adopted as Findings of Fact.

Section 2. Temporary Extension of Hours.

Paragraphs (a) and (b) as contained in St. Johns County Ordinance 90-48 are temporarily amended, in order to read as follows:

- (a) Beer, malt beverages, and wines as defined in Sections 563.01, and 564.01, Florida Statutes, as amended, may be sold for off-premise consumption, in any place holding a valid license from the State beverage department, between the hours of 6:00 a.m. and 2:00 a.m. of the following day, on each day, including Sundays, and may be sold, served, or consumed in any place holding a valid license from the State beverage department, between the hours of 7:00 a.m. and 2:00 a.m. of the following day on each day, including Sundays.
- (b) Liquor, as defined in Section 565.01, Florida Statutes, as amended, may be sold, served, or consumed, in any place holding a valid license from the State beverage department between the hours of 7:00 a.m. of one day and 2:00 a.m. of the following day; provided, however, that the sale of such liquor on Sunday shall be from 1:00 p.m. to 2:00 a.m. of the following Monday.

Section 3. Effective Dates for Temporary Extension of Hours.

The effective dates for the temporary extension of hours cited in this Ordinance shall be from 6:00 a.m. on Saturday, December 19, 2009, through, and until 2:00 a.m. on Monday, July 12, 2010.

Section 4. Other Applicable Paragraphs of St. Johns County Ordinance 90-48 Remain Unchanged and in Effect.

For purposes of this Ordinance, all other applicable paragraphs of St. Johns County Ordinance 90-48 remain unchanged, and in effect throughout the duration of this Ordinance.

Section 5. Sunset of this Ordinance; Effect of Sunset of this Ordinance; Re-establishment of St. Johns County Ordinance 90-48.

On Monday, July 12, 2010, at 2:01 a.m., this Ordinance shall sunset, and no longer be in effect. Simultaneously, on Monday, July 12, 2010, at 2:01 a.m., St. Johns County Ordinance 90-48 shall be deemed to be fully in effect as it was originally enacted, with paragraphs (a) and (b)

specifically as they are cited in the original St. Johns County Ordinance 90-48. Moreover, all remaining applicable paragraphs of St. Johns County Ordinance 90-48 continue to remain in effect for the duration of this Ordinance.

Section 6. Severability.

It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, section, or provision of this Ordinance is held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid, or unconstitutional the remaining phrases, clauses, subsections, or provisions of this Ordinance.

Section 7. Effective Date.

This Ordinance shall be effective upon this Ordinance being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 15th days of December, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

By: *Ron Sanchez*
Ron Sanchez, Chair

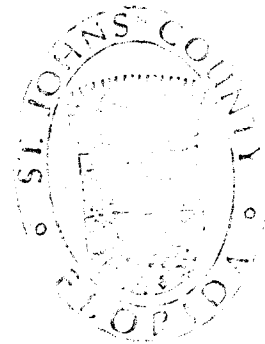
ATTEST: Cheryl Strickland

By: *Cheryl Strickland*
Deputy Clerk

Rendition Date: 12/15/09

Filed with the Florida Secretary of State: 12/17/09

Effective Date: 12/17/09



THE ST. AUGUSTINE RECORD

SJC MINUTES & RECORDS C/O CLER
ATTN MS.P DEGRANDE
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L4139-9
P.O.#: L4139-9

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

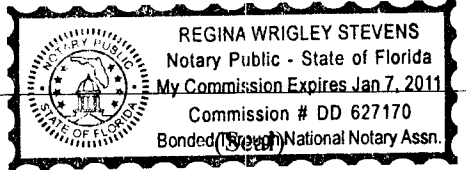
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**
who on oath says that he/she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement being a **NOTICE OF HEARING**
In the matter of **AMEND ORD 90-48 - EXTEND ALCOHOL SALE HRS**
was published in said newspaper on **12/02/2009**

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he/she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 2nd day of Dec 2009
by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Regina Wrigley Stevens
(Signature of Notary Public)



Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L4139-9 Dec 2, 2009

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, December 15, 2009 at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TEMPORARILY AMENDING COUNTY ORDINANCE NO. 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BEER, MALT BEVERAGES, WINES, AND LIQUOR, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE TEMPORARY EXTENSION OF HOURS OF SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR EFFECTIVE DATES FOR TEMPORARY EXTENSION OF HOURS; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE NO. 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SUNSET OF THIS ORDINANCE; PROVIDING FOR EFFECT OF SUNSET OF THIS ORDINANCE; PROVIDING FOR THE RE-ESTABLISHMENT OF ST. JOHNS COUNTY ORDINANCE NO. 90-48; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 17, 2009

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

2009 DEC 22 AM 8:41
CLERK OF THE CIRCUIT COURT AND
ST. JOHNS COUNTY, FL

FILED

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 16, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-59 through 2009-66, which were filed in this office on December 17, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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ADMINISTRATIVE CODE AND WEEKLY
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