

ORDINANCE 2010-24

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 90-48, PERTAINING TO THE REGULATION, SALE, SERVICE, AND/OR 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 EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR AN EFFECTIVE DATE FOR THE EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

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 persons and entities holding a State beverage license within County limits; 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 Florida 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 liquor on Sunday shall be from 1:00 p.m. to 1:00 a.m. of the following Monday; and

WHEREAS, St. Johns County Ordinance 2009-61, temporarily extends the hours of sales or consumption of beer, malt beverages, wines, and liquor, as defined by State Statutes; and

WHEREAS, St. Johns County Ordinance 2009-61, sunsets, and is no longer in effect as of Monday July 12, 2010 at 2:01 a.m.; and

WHEREAS, the feedback and reports from retail establishments and law enforcement during the temporary sales extension have not shown any increase in incidents and/or arrests induced or associated with the temporary extension of the hours of sales or consumption of beer, malt beverages, wines, and liquor, as defined by State Statutes; and

WHEREAS, based on the feedback and reports from retail establishments and law enforcement during the temporary sales extension, the Board of County Commissioners has determined that the extension of the hours of sale or consumption of beer, malt beverages, wines, and liquor, as defined by State Statutes should continue past 2:01 a.m., Monday July 12, 2010, which is the sunset date and time noted in St. Johns County Ordinance 2009-61.

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. Extension of Hours.

Paragraphs (a) and (b) as contained in St. Johns County Ordinance 90-48, are 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. of one day, 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. of one day, and 2:00 a.m. on 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 Date for Extension of Hours.

The effective date for the extension of hours cited in this Ordinance shall be 2:01 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 after the effective date of this Ordinance, which specifically includes the remaining duration of St. Johns County Ordinance 2009-61, and thereafter.

Section 5. 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 of unconstitutionality shall not be construed as to render invalid, or unconstitutional the remaining phrases, clauses, subsections, or provisions of this Ordinance.

Section 6. Effective Date.

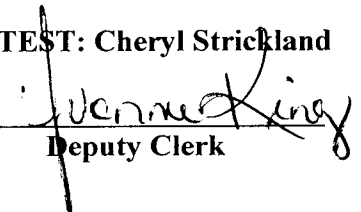
This Ordinance shall be effective upon this Ordinance being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of June, 2010.

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

By: 
Ron Sanchez, Chair

ATTEST: Cheryl Strickland

By: 
Deputy Clerk

Rendition Date: June 16, 2010

Filed with the Florida Secretary of State: June 18, 2010

Effective Date: June 18, 2010



THE ST. AUGUSTINE RECORD

COPY OF ADVERTISEMENT

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

Ref.#: L2002-10
P.O.#: L2002-10

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

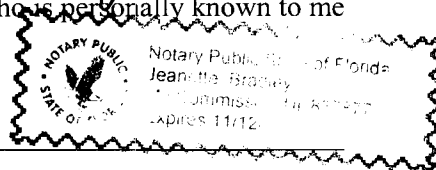
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

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 RE: - ALCOHOLIC BEVERAGES- HG 6/15
was published in said newspaper on 06/01/2010

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 1st day of June 2010
by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Jeanette Bradley
(Signature of Notary Public)



(Seal)

NOTICE OF A PUBLIC HEARING OF 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, June 15, 2010, at 9:00 a.m. in the County Auditorium, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 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 EXTENSION OF HOURS OF SALES, SERVICE, AND/OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR THE EFFECTIVE DATE FOR THE EXTENSION OF HOURS OF SALES, SERVICE, OR CONSUMPTION OF CERTAIN TYPES OF ALCOHOLIC BEVERAGES; PROVIDING FOR OTHER APPLICABLE PARAGRAPHS OF ST. JOHNS COUNTY ORDINANCE 90-48 REMAINING UNCHANGED AND IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECT DATE FOR THIS ORDINANCE.

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 proceed-

ings should contact ADA Coordinator, at (904) 209-0630 at the St. Johns County Administration 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: Yvonne King, Deputy Clerk
L2002-10 Jun 1, 2010



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 21, 2010

Ms. Cheryl Strickland
Secretary
St. Johns County Board of County Commissioners
500 San Sebastian View
St. Augustine, Florida 32084

2010 JUN 25 AM 9:46
FILED
CLERK OF COUNTY AND
ST. JOHNS COUNTY FL

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 17, 2010 and certified copy of St. Johns County Ordinance No. 2010-24, which was filed in this office on June 18, 2010.

Sincerely,

[Handwritten signature of Liz Cloud]

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
850.245.6600 • FAX: 850.245.6643

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