

ORDINANCE 2011-46

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, STRENGTHENING THE LOCAL ENFORCEMENT METHODS TO ENFORCE THE PROHIBITION OF THE SALE OR SERVICE TO AND/OR THE CONSUMPTION OR ALLOWANCE OF CONSUMPTION BY PERSONS UNDER TWENTY-ONE OF ALCOHOLIC BEVERAGES AS DEFINED BY SECTION 561.01, FLORIDA STATUTES, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE, A ST. JOHNS COUNTY SPECIAL USE PERMIT AND/OR A ST. JOHNS COUNTY LOCAL BUSINESS TAX RECEIPT; PROVIDING FOR FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER RELATED MATTERS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of St. Johns County to provide and maintain for the citizens of the County, standards for the citizens of the County, which attempt to ensure their health, safety and welfare; and

WHEREAS, the Board of County Commissioners of St. Johns County recognizes the need for, and the benefits of, regulating the sale or service to and/or the allowance of consumption of alcoholic beverages by persons under the age of 21; and

WHEREAS, the Board of County Commissioners of St. Johns County recognizes the need for, and the benefits of, regulating the consumption of alcoholic beverages by persons under the age of 21.

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

Section 1. Findings of Fact: The above Recitals are incorporated into the body of this Ordinance and such Recitals are adopted as findings of fact.

Section 2. Purpose and Intent: It is the intent of this Ordinance to promote, protect, and improve the health, safety, and welfare of the citizens of St. Johns County by strengthening enforcement methods of the prohibition against the consumption of alcoholic beverages by underage persons through the imposition of fines and penalties for violations of the provisions of this Ordinance. This Ordinance shall pertain to the unincorporated portions of the County.

Section 3. Definitions: In this Ordinance the following words, terms and phrases shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

“Alcoholic Beverage Establishment” shall mean any establishment that is licensed by the Division of Alcoholic Beverages and Tobacco which sells alcohol on premises or sells and permits the consumption of alcohol on premises, including but not limited to restaurants, bars, grocery stores, and convenience stores.

“Owner” shall mean and include the owner, possessor or other person in operation who possesses the Special Use Permit and/or the St. Johns County Local Business Tax Receipt of any premises where a person under 21 years of age possesses, purchases, receives or consumes alcoholic beverages; however, *owner* shall not include the parent, legal guardian or spouse of the person under 21 years of age.

“Officer” shall mean the Sheriff and any of his or her deputies.

“Person” shall mean any natural person, firm, association, partnership, corporation or any other entity.

Section 4. Serving persons under 21 years of age: It shall be unlawful for any Owner or other Person to sell, give, serve or permit to be served, alcoholic beverages to a Person under 21 years of age. It shall also be unlawful for any Owner to permit a Person under 21 years of age to possess or to consume alcoholic beverages on the Owner’s premises.

Section 5. Possession of alcoholic beverages by persons under 21 years of age: It shall be unlawful for any Person under the age of 21, except a person employed by an Alcoholic Beverage Establishment and acting in the scope of his or her employment, to have in his or her possession, alcoholic beverages.

Section 6. Enforcement and Penalties:

A. Violations of this Ordinance may be processed under the procedures set forth in F.S. § 162.21 and § 162.22 and St. Johns County Ordinance No. 94-36. Due to the serious inherent threat to the public health, safety and welfare created by any delay in enforcement, a Law Enforcement Officer under this section may immediately issue a notice to appear or citation to any person or entity violating this Ordinance without a waiting period.

B. The structure of fines for violations of this Ordinance shall be as follows:

1. The fine for a first offense of purchasing an alcoholic beverage by persons under the age of 21, shall be \$250.00, and for any second or subsequent offenses, \$500.00.
2. The fine for a first offense of selling an alcoholic beverage to persons under the age of 21 by an employee or agent of an Alcoholic Beverage Establishment, shall be \$250.00, and for a second offense within three (3) months from the date of the first offense shall be \$500.00. Any third and subsequent offenses occurring within one (1) year from the date of the first

offense shall result in a \$500.00 fine and may, upon a finding of continuous willful and wanton behavior in regards to this Ordinance, be punishable by imprisonment of up to thirty (30) days.

3. The fine for a first offense of selling an alcoholic beverage to persons under the age of 21 by an Owner of the Alcoholic Beverage Establishment, shall be \$500.00 and for a second offense within one (1) year from the date of the first offense shall be \$500.00 fine and may, upon a finding of continuous willful and wanton behavior in regards to this Ordinance, be punishable by imprisonment of up to thirty (30) days. Further, the penalty as described below in Section 5(C) of this Ordinance shall only require a two (2) citation minimum to prompt the notification and review provisions by the County Administrator.
- C. After three (3) or more citations (with the exception of Section 5(B)(3) as described above) have been issued to the Owner and/or the employees of an Alcoholic Beverage Establishment within a time period of two (2) years from the issuance of the first citation, the County Administrator shall be notified and upon a finding of substantial evidence of willful and wanton conduct supporting these citations, the County Administrator and/or his designee may suspend or revoke the Alcoholic Beverage Establishment's Special Use Permit and/or the St. Johns County Local Business Tax Receipt. Any such revocation may be appealed to the Board of County Commissioners.
 - D. Furthermore, upon citing any such establishment, or as soon thereafter as practical, an Officer shall report the Alcoholic Beverage Establishment directly to the Division of Alcoholic Beverages and Tobacco, which is authorized to fully investigate records and accounts of license holders, issue subpoenas, take civil and criminal action against both individuals and establishments, and revoke or suspend beverage licenses upon sufficient cause pursuant to F.S. §561.29.

Section 7. Fraudulent Identification: It shall be a defense to an alleged violation of Section 4 if a person under the age of 21 obtained access to an Alcoholic Beverage Establishment by the use of fraudulent identification and the owner, manager, employee, or independent contractor of the Alcoholic Beverage Establishment used reasonable efforts to determine and prevent the use of such fraudulent identification. Under these circumstances, only the person who gained access to the Alcoholic Beverage Establishment shall be considered to be in violation of Section 5 above.


Section 8. Severability: It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, 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, sentences, subsections, sections, or provisions of this Ordinance.

Section 9. Effective Date: The provisions of this Ordinance will take effect upon a certified copy of this Ordinance being filed with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 20th day of ~~December~~ December 2011.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By:

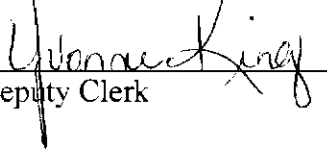

Mark P. Miner, Chair

Rendition Date:

12/20/11

ATTEST: Cheryl Strickland, Clerk of Court

By:


Deputy Clerk

Effective Date: December 22, 2011



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

Ref.#: L3216-11
P.O.#: L3216-11

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 **SHAWNE' H ORDONEZ**
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 **UNDERAGE DRINKING OR - HEARING DECEMBER 20, 2011**
was published in said newspaper on **12/10/2011**

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 10th day of December 2011
by Shawne' H Ordonez who is personally known to me
or who has produced as identification

Sabina L Woods
(Signature of Notary Public)

**SABINA L WOODS**
MY COMMISSION # EE023372
EXPIRES September 08, 2014
(407) 313-0753 FloridaNotaryService.com
(Seal)

**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 20, 2011 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, TO STRENGTHEN THE LOCAL ENFORCEMENT METHODS TO

ENFORCE THE PROHIBITION OF THE SALE OR SERVICE TO AND/OR THE CONSUMPTION OR ALLOWANCE OF CONSUMPTION BY PERSONS UNDER TWENTY-ONE OF ALCOHOLIC BEVERAGES AS DEFINED BY SECTION 561.01, FLORIDA STATUTES, BY PERSONS AND ENTITIES HOLDING A STATE BEVERAGE LICENSE, A ST. JOHNS COUNTY SPECIAL USE PERMIT AND/OR A ST. JOHNS COUNTY LOCAL BUSINESS TAX RECEIPT; PROVIDING FOR FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER RELATED MATTERS AND PROVIDING FOR AN EFFECTIVE DATE

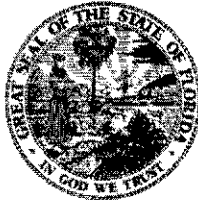
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

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 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
L3216-11 Dec 10, 2011



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

December 28, 2011

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

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 21, 2011 and certified copies of Ordinance Nos. 2011-45 and 2011-46, which were filed in this office on December 22, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

2011 JAN -3 AM 11:25
RECEIVED
ST. JOHN'S COUNTY
LIBRARY AND INFORMATION SERVICES

