

ORDINANCE 2014-48

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY ORDINANCE 2011-46, PERTAINING TO 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 AND/OR A ST. JOHNS COUNTY SPECIAL USE PERMIT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE STRENGTHENING OF ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; 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 enacted St. Johns County Ordinance 90-48, regulating the sale, service, and consumption of alcoholic beverages by persons and entities holding a state liquor license; and

WHEREAS, the Board of County Commissioners of St. Johns County enacted St. Johns County Ordinance 2011-46, providing for local enforcement methods to enforce the prohibition of the sale or service to and/or the consumption by persons under twenty-one of alcoholic beverages by persons and entities holding a state beverage license; and

WHEREAS, St. Johns County Ordinance 2011-46, establishes that upon a finding of continuous willful and wanton behavior, repeated violations of 2011-46 may be punishable by imprisonment of up to thirty (30) days; and

WHEREAS, St. Johns County Ordinance 2011-46, establishes that upon a finding of substantial evidence of willful and wanton conduct in violation of this Ordinance 2011-46, the County Administrator may suspend or revoke the Alcoholic Beverage Establishment's Special Use Permit and/or the St. Johns County Local Business Tax Receipt; 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 possession and consumption of alcoholic beverages by persons under the age of 21; and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to further strengthen the enforcement of Ordinance 2011-46 by clarifying the penalty prohibiting possession of an alcoholic beverage by persons under the age of 21, consistent with state law; and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to further strengthen the enforcement of Ordinance 2011-46 by reducing the minimum number of citations before the County Administrator may suspend or revoke a special use permit or business tax license to two (2) citations within a two-year period; and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to further strengthen the enforcement of Ordinance 2011-46 by removing the requirement of a finding of willful and wanton conduct before suspension or revocation of a special use permit or business tax license; and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to further strengthen the enforcement of Ordinance 2011-46 by allowing consideration of violations of the state law relating to sale or service to persons under age 21; and

WHEREAS, the Board of County Commissioners of St. Johns County wishes to further strengthen the enforcement and penalties of Ordinance 2011-46 by increasing the term of imprisonment for a repeat offense to not exceed sixty (60) days;

WHEREAS, the Board of County Commissioners of St. Johns County wishes to amend Ordinance 2011-46 to be consistent with Florida Statutes.

BE IT ORDAINED 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. Enforcement and Penalties:

Section 6, Enforcement and Penalties, as contained in St. Johns County Ordinance 2011-46, is amended as follows:

- 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 or possession of an alcoholic beverage by persons under the age of 21, shall not exceed \$250.00, and for any second or subsequent offenses, shall not exceed \$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 not exceed \$250.00, and for a second offense within three (3) months from the date of the first offense shall not exceed \$500.00. Any third and subsequent offenses occurring within one (1) year from the date of the first offense shall result in a fine not to exceed \$500.00 and may, upon a finding of continuous willful and wanton behavior in regards to this Ordinance, be punishable by imprisonment of up to sixty (60) 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 not exceed \$500.00 and for a second offense within one (1) year from the date of the first offense shall not exceed \$500.00 and may, upon a finding of continuous willful and wanton behavior in regards to this Ordinance, be punishable by imprisonment of up to sixty (60) days.
- C. After two (2) or more citations, violations of state law relating to sale or service to persons under age 21, or both, 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 or violation, the County Administrator shall be notified and the County Administrator and/or his or her designee may suspend or revoke the Alcoholic Beverage Establishment's Special Use Permit. Any such revocation may be appealed to the Board of County Commissioners within thirty (30) days of notice of revocation. A violation for purposes of this section includes a conviction or plea, regardless of whether adjudication is withheld. Such citations or violations must occur at least fifteen (15) days apart from any previous citation or violation before the penalty in this subsection may apply.
- 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 3. Other Applicable Sections of St. Johns County Ordinance 2011-46 Remain Unchanged and in Effect: For purposes of this Ordinance, all other applicable sections of St. Johns County Ordinance 2011-46 remain unchanged and in effect after the effective date of this Ordinance.

Section 4. 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 5. 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.

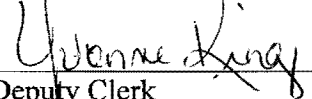
PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 21st day of October, 2014.

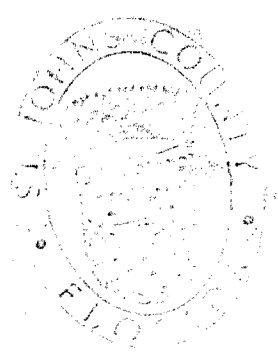
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
John H. Morris, Chair

Rendition Date: October 23, 2014

ATTEST: Cheryl Strickland, Clerk of Court

By: 
Deputy Clerk



Effective Date: October 28, 2014

THE ST. AUGUSTINE RECORD

COPY

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L2901-14
P.O.#: L2901-14

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

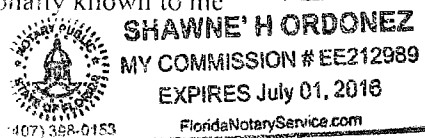
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared HALEY COOK
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 2011-46 - HEARING OCTOBER 21, 2014
was published in said newspaper on 10/11/2014

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 OCT 13 2014
day of
by Haley Cook who is personally known to me
or who has produced an identification

(Signature of Notary Public)



(Seal)

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

NOTICE IS HEREBY GIVEN that
the Board of County Commission-
ers of St. Johns County, Florida,
will hold a public hearing on Tues-
day, October 21, 2014, at 9:00 a.m.
in the County Auditorium of the
County Administration Building,
500 San Sebastian View, St. August-
ine, Florida, to consider adoption of
the following ordinance:

AN ORDINANCE OF ST. JOHNS
COUNTY, FLORIDA, AMENDING
COUNTY ORDINANCE 2011-46,
PERTAINING TO STRENGTHEN-
ING THE LOCAL ENFORCE-
MENT METHODS TO ENFORCE
THE PROHIBITION OF THE
SALE OR SERVICE TO AND/OR
THE CONSUMPTION OR
ALLOWANCE OF CONSUMP-
TION BY PERSONS UNDER
TWENTY-ONE OF ALCOHOLIC
BEVERAGES AS DEFINED BY
SECTION 561.01, FLORIDA STAT-
UTES, BY PERSONS AND ENTIT-
IES HOLDING A STATE BEV-
ERAGE LICENSE AND/OR A ST.

JOHNS COUNTY SPECIAL USE
PERMIT; PROVIDING FOR
FINDINGS OF FACT; PROVID-
ING FOR THE STRENGTHEN-
ING OF ENFORCEMENT AND
PENALTIES; PROVIDING A SAV-
INGS CLAUSE; PROVIDING FOR
SEVERABILITY; AND PROVID-
ING 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 Build-
ing, 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 accor-
dance with the Americans with
Disabilities Act, persons needing a
special accommodation to partici-
pate in the proceedings should con-
tact ADA Coordinator, at (904)
209-0650 at the St. Johns County
Administration Building, 500 San
Sebastian View, St. Augustine, FL
32084. For hearing impaired indi-
viduals: 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
L2901-14 Oct 11, 2014



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 28, 2014

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 electronic copy of St. Johns Ordinance No. 2014-48, which was filed in this office on October 28, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

2014 OCT 28 PM 1:27