



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.4.

3/23/2021

Subject:

Legislative Intent and Permission to Advertise an Ordinance Deregulating Hours of Sale of Alcohol in Unincorporated Brevard County

Fiscal Impact:

N/A

Dept/Office:

Dist. 3

Requested Action:

Board Discussion and Approval of Legislative Intent and Permission to Advertise an Ordinance Deregulating Hours of Sale of Alcohol in Unincorporated Brevard County

Summary Explanation and Background:

Florida Statute Section 562.14 sets out default regulations regarding the time for sale of alcoholic beverages. However, it allows counties and municipalities to, instead, provide for other regulation. Currently, Section 6-3 of Brevard County Code of Ordinances does this, providing for the restrictions of alcohol between 2:00 am and 7:00 am (on New Year's Day, 2 additional hours are provided for).

It is proposed to deregulate hours of sale of alcohol in unincorporated Brevard County by amending Sec. 6-3. The title of the Amendment is proposed to be the following language:

AN ORDINANCE AMENDING SECTION 6-3 OF THE CODE OF ORDINANCES OF BREVARD COUNTY DERGULATING HOURS OF SALE OF ALCOHOL IN UNINCORPORATED BREVARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The Amendment is proposed to be substantially similar to the following:

Sec. 6-3. Hours of sale.

(a) In the unincorporated area of Brevard County, alcoholic beverages may be sold, consumed, served, or permitted to be served or consumed in any place holding a license under the Division of Alcoholic Beverages and Tobacco 24 hours a

~~day, 7 days a week. In all unincorporated areas of the county, no commercial establishment, bottle club, person holding any type of license from the division of beverage, state department of business regulation or membership association in which a fee, cover charge or admission fee is collected, shall be allowed to sell, dispense or serve alcoholic beverages for consumption in or on their licensed premises before or after the following hours, which are the only hours of operation at such licensed premises that are permitted under this chapter:~~

~~(1) Every day: beginning at 7:00 a.m. and ending at 2:00 a.m. on the following day.~~

~~(2) Extended hours for New Year's Eve: beginning at 7:00 a.m. and ending at 4:00 a.m. on January 1.~~

~~(b) The hours of operation set forth in subsection (a) also apply to package stores engaged in the sale of alcoholic beverages for off premises consumption.~~

~~(c) It will be a rebuttable presumption that subsection (a) has been violated if any alcoholic beverage is in possession or control of a patron or customer present inside the licensed premises either before or after the authorized hours of operation set forth in subsection (a).~~

~~(d) Premises closed during prohibited hours. A licensed premises may only remain open for business during the hours authorized in subsection (a).~~

~~(e) Each incident of a sale or service of alcoholic beverages which occurs outside of the above established legal hours shall constitute a separate violation of this section and the person making such sale shall be deemed guilty of an offense and shall be punished as provided in section 1-7.~~

State Law reference- Local regulation of hours of sale, F.S. §§ 562.14, 562.45(2).

Clerk to the Board Instructions:

None



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

March 24, 2021

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.4., Legislative Intent and Permission to Advertise an Ordinance
Deregulating Hours of Sale of Alcohol in Unincorporated Brevard County

The Board of County Commissioners, in regular session on March 23, 2021, approved legislative intent and granted permission to advertise an ordinance stating, unless otherwise prohibited, deregulating hours of sale of alcohol in unincorporated Brevard County.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

cc: County Attorney
Planning and Development