

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, AMENDING THE PRIOR ADOPTED ALCOHOL ORDINANCE 2022-05, SPECIFICALLY GRANDFATHERING EXISTING ESTABLISHMENTS WHO PREVIOUSLY SOLD ALCOHOLIC BEVERAGES AT THEIR PLACE OF BUSINESS, AND WHO WAS ALSO IN CONFORMITY WITH ALL LAWS, REGULATIONS, AND ORDINANCES OF HOLMES COUNTY AND THE STATE OF FLORIDA, BUT DUE TO THE FOREGOING NEW LAND USE PROVISIONS NO LONGER QUALIFY TO SELL INTOXICATING ALCOHOLIC BEVERAGES, SHALL AUTOMATICALLY QUALIFY FOR THE LAND USE PROVISION WHICH SHALL ENABLE THEM TO UPGRADE THEIR ESTABLISHMENT TO SELL ALCOHOLIC BEVERAGES, INCLUDING BUT NOT LIMITED TO BEER, WINE, AND LIQUOR; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Florida Statute 125.01(1)(o) empowers a County governing body to "[e]stablish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the County pursuant to general law"; and

WHEREAS, Florida Statute 562.45(2)(a) allows a County of the State to enact ordinances regulating the hours of business for persons and entities holding a State beverage license within the unincorporated areas of the County; and

WHEREAS, Florida Statute 562.14 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, Florida Statute 562.45(2)(a) provides certain restrictions with respect to allowing a location for on-premises consumption of alcoholic beverages within 500 feet of real property that comprises a public or private school; and

WHEREAS, the Board of County Commissioners for Holmes County recognizes that the ongoing recession and the condition of the economy challenges local businesses to seek new and better ways to serve the needs of their patrons; and

WHEREAS, the Board of County Commissioners for Holmes County understands that the continued success of businesses focused on food services and sales is an important component for the success in the County's goal to continue to provide venues for socializing and entertainment; and

WHEREAS, the Board of County Commissioners for Holmes County is attempting to balance the goals of growth and job creation with the historical deference provided to churches, private residences, and other individual and community-based needs, by implementing the following rules and regulations; and

WHEREAS, under state laws regulating the sale of beer, wine, or other alcoholic or intoxicating beverages, the Board of County Commissioners for Holmes County is authorized to establish the location and hours of operation for alcohol sales in the unincorporated areas of the County; and

WHEREAS, the Board of County Commissioners of Holmes County wishes to provide less restrictive locational and time criteria for businesses operating primarily as food sales/service establishments as fully set forth herein.

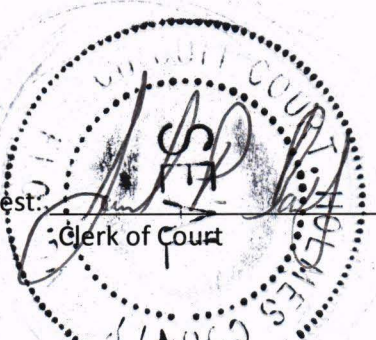
NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida, as follows:

Grandfather Provision. Notwithstanding the foregoing, any establishment who previously sold alcoholic beverages at their place of business, and who was also in conformity with all laws, regulations, and ordinances of Holmes County and the State of Florida, but due to the foregoing new land use provisions no longer qualify to sell intoxicating alcoholic beverages, shall automatically qualify for the land use provision which shall enable them to upgrade their establishment to sell alcoholic beverages, including but not limited to beer, wine, and liquor.

If any provision of this Amended Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Amended Ordinance which can be given effect without application of the invalid provision, and those provisions of the Amended Ordinance are declared severable.

This Amendment to the prior Ordinance shall become effective upon its adoption on December 6, 2022.

APPROVED and **ADOPTED** by a majority of the Board of County Commissioners of Holmes County, Florida this 3rd day of January, 2023.

Attest: 
Clerk of Court

BOARD OF COUNTY COMMISSIONERS OF
HOLMES COUNTY, FLORIDA


Earl Stafford, Chairman