





Seminole  
County

**Sheriff Donald F. Eslinger**

**Member, Florida Sheriffs Association**  
**Member, National Sheriffs' Association**

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SEMINOLE COUNTY  
COUNTY MANAGER

February 17, 2003

Honorable Daryl McLain, Chairman  
Board of County Commissioners  
Seminole County Services Building  
1101 East First Street  
Sanford, FL 32771

**Re: Alcoholic Beverage Ordinance**

Dear Chairman McLain:

Due to an increased number of citizen complaints and incidents requiring Sheriff's Office response, it has come to my attention that Wavies Bar in Sanford has established a practice of allowing patrons to remain in the establishment after 2 a.m. The problem arises in that the patrons are purchasing packaged bottles of liquor at Wavies, prior to 2 a.m., and consuming the alcoholic beverages in the nightclub after the club discontinues liquor service. Wavies does possess a full service liquor and package permit. I have enclosed copies of reports involving Wavies that have been generated this year.

The Sheriff's Office has contacted the Florida Division of Alcoholic Beverages and Tobacco (FDABT) for assistance due to the complaints from the public. However, FDABT indicated that they cannot take action as the Seminole County ordinance is too vague regarding the restriction of alcoholic beverages. I am proposing that we revise our current ordinance to resolve the issues at Wavies and any other establishments licensed to allow consumption of alcoholic beverages on premises, specifically to regulate not only the sale of alcoholic beverages after 2 a.m., but also to *prohibit service and consumption after 2 a.m.* Currently, our ordinance regulates only the hours of sale and is silent as it relates to the hours of service and consumption of alcoholic beverages on premises. Clarifying this aspect as it relates to the intent of this ordinance will enable agents from the FDABT and our deputy sheriffs to more efficiently and uniformly enforce the ordinance in the interest of the health, safety and welfare of our community.

Tesha Scolaro, General Counsel to my office, and Assistant County Attorney Steve Lee worked together to draft an amendment to the ordinance. I am requesting that you place the proposed amended ordinance on the agenda for the next BCC Meeting. Chief Deputy Steven D. Harriett from my office will be presenting it. Please feel free to call me with your thoughts and suggestions. I look forward to hearing from you.

Sincerely,

Sheriff Donald F. Eslinger

DFE:eag  
Enclosures

C: Kevin Grace, County Manager, Chief Deputy Steven D. Harriett, Lieutenant Scott Ballou, SCSSO

ORDINANCE

AN ORDINANCE AMENDING SECTION 15.17, CODE OF SEMINOLE COUNTY, DEALING WITH HOURS OF SALE OF ALCOHOLIC BEVERAGES AT LICENSED ESTABLISHMENTS TO PROHIBIT THE DELIVERY OR POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS OF SALE REGARDLESS OF WHEN PAYMENT FOR SAME MAY BE MADE; CREATING SECTION 15.18, CODE OF SEMINOLE COUNTY, TO ESTABLISH CLOSING HOURS FOR BUSINESSES SELLING ALCOHOL FOR CONSUMPTION ON PREMISES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Economic Impact Statement has been appropriately prepared and made available for public review in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 15.17, Code of Seminole County, is amended to read as follows:

Sec. 15.17 Hours for sale and possession of open containers of alcoholic beverages. It shall be unlawful for any person to sell, barter, exchange or, in any manner, deal in alcoholic beverages in any place between the hours of 2:00 a.m. and 7:00 a.m. of the same day. It shall be unlawful for a person to possess or for a proprietor to allow a patron to possess an open container of alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m. of the same day at any establishment licensed to store, sell or serve alcoholic beverages. For purposes of this section a sale, barter, exchange or other dealing

in alcoholic beverages shall be deemed to have occurred if an alcoholic beverage is delivered to any person during the hours specified above regardless of whether payment therefor may have been or will be made at some other time.

**Section 2.** Section 15.18, Code of Seminole County, is created to read as follows:

**Sec. 15-18. Closing Hours.** No person, firm, corporation or other legal entity issued an alcoholic beverage license to sell alcoholic beverages for consumption on the licensed premises and whose principal business is the sale of alcoholic beverages shall allow the licensed premises to remain open for any type of business between the hours of 2:00 a.m. and 7:00 a.m. of the same day.

**Section 3. Codification**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become, and be made a part of the Seminole County Code. The word "Ordinance" may be changed to section, article, or other appropriate word or phrase and the sections of this Ordinance may be assigned new numbering or lettering to accomplish such intention; providing, however, that Sections 3, 4, and 5 shall not be codified.

**Section 4. Severability**

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**Section 5. Effective Date**

This Ordinance shall become effective upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of the State that this Ordinance has been filed with the Department of State.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
DARYL G. MCLAIN, Chairman

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