

**PROPOSED**

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD  
2 COUNTY, FLORIDA, PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING  
3 SECTIONS 3-1 THROUGH 3-3 OF THE BROWARD COUNTY CODE OF ORDINANCES  
4 ("CODE"); REPEALING SECTIONS 3-4, 3-21, AND 3-22 OF THE CODE; AND  
5 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE  
6 DATE.

7 (Sponsored by the Board of County Commissioners)

8  
9 WHEREAS, Florida law preempts the regulation of many aspects of alcoholic  
10 beverage establishments to the state;

11 WHEREAS, counties are permitted to adopt regulations regarding hours of  
12 operation and sale, zoning, sanitary conditions, types of entertainment, and conduct at  
13 alcoholic beverage establishments; and

14 WHEREAS, the Board of County Commissioners finds it appropriate at this time  
15 to amend the Broward County Code of Ordinances regarding alcoholic beverages,

16 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
17 BROWARD COUNTY, FLORIDA:

18 Section 1. Sections 3-1 through 3-3 of the Broward County Code of Ordinances  
19 are hereby amended to read as follows:

20 **Sec. 3-1. ~~Opening and closing~~ Definitions; hours of establishments selling**  
21 **~~alcoholic beverages~~ operation and sales.**

22 (a) Definitions. The following words and phrases, when used in this chapter,  
23 shall have the following meanings:

24 Alcoholic beverage means distilled spirits and all beverages containing one-half of  
25 1 percent (0.5%) or more alcohol by volume, determined by measuring the volume of the  
26 standard ethyl alcohol in the beverage and comparing it with the volume of the remainder  
27 of the ingredients as though said remainder ingredients were distilled water.

28 Establishment means any place of business of a person or entity that has been  
29 licensed by the State of Florida for the sale of alcoholic beverages under the provisions  
30 of the Beverage Law (Chapters 561-568, Florida Statutes, as amended).

31 ~~(a) (b)~~ Hours of operation and sale. ~~The opening hours of all eEstablishments~~  
32 ~~selling alcoholic beverages and which lie outside of the boundaries of duly incorporated~~  
33 ~~municipalities located within the unincorporated areas of Broward County and which meet~~  
34 ~~all of the following requirements shall be no earlier than 8:00 a.m. on weekdays and~~  
35 ~~Saturdays, and 12:00 noon on Sundays, and the closing hours for such establishments~~  
36 ~~shall be no later than 4:00 a.m. every day: shall not sell or distribute alcoholic beverages,~~  
37 ~~or permit alcoholic beverages to be consumed at the establishment, earlier than 8:00 a.m.~~  
38 ~~on weekdays and Saturdays, or 12:00 noon on Sundays, and must close no later than~~  
39 ~~2:00 a.m. on weekdays and Saturdays, and no later than 3:00 a.m. on Sundays.~~

40 (1) ~~Intoxicating beverage is served, sold, given away, or consumed on the~~  
41 ~~premises; and~~

42 (2) ~~Said establishment has a floor area of two thousand (2,000) square feet or~~  
43 ~~more.~~

44 (b) ~~The opening hours of all establishments selling alcoholic beverages and~~  
45 ~~which lie outside of the boundaries of duly incorporated municipalities within Broward~~  
46 ~~County and which do not meet all of the above-listed requirements shall be no earlier than~~  
47 ~~8:00 a.m. on weekdays and Saturdays, and 12:00 noon on Sundays, and the closing~~  
48 ~~hours for such establishments shall be no later than 2:00 a.m. on weekdays and~~  
49 ~~Saturdays, and no later than 3:00 a.m. on Sundays.~~

50 (c) ~~Violation of this section shall be prosecuted in the same manner as~~  
51 ~~misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the~~  
52 ~~state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof,~~  
53 ~~and upon conviction shall be punished by a fine not to exceed five hundred dollars~~  
54 ~~(\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both~~  
55 ~~such fine and imprisonment~~ Enforcement and penalty. This section may be enforced by  
56 code enforcement officers, including municipal code enforcement officers, and any law  
57 enforcement agency having jurisdiction over the area where the establishment is located,  
58 pursuant to Section 125.69 and Chapter 162, Florida Statutes, or any applicable  
59 municipal code enforcement provision. Violations of this section are subject to  
60 prosecution and punishment as misdemeanors pursuant to Section 125.69(1), Florida  
61 Statutes, as amended.

62 (d) Notwithstanding the foregoing provisions ~~in~~ of Subsections ~~3-1~~(a) and (b)  
63 ~~herein, the opening hours for all~~ County-authorized concessionaires selling alcoholic  
64 beverages in the passenger terminal facilities at the Fort Lauderdale-Hollywood  
65 International Airport shall be no earlier than 8:00 a.m. each day, including Sunday, and  
66 ~~the closing hours for such establishments shall be no later than 4:00 a.m. the following~~

67 day or on any County-owned or -operated property within the unincorporated areas of  
68 Broward County may only sell alcoholic beverages during the days and hours specified  
69 in their concession agreements with the County.

70 **Sec. 3-2. Unlawful consumption in public places; definition; penalty.**

71 (a) *Definitions Applicability.*

72 (1) ~~Alcoholic beverage: Any beverage which contains more than one per cent~~  
73 ~~of alcohol by weight.~~

74 (2) ~~Establishment: Any place of business which has been licensed by the State~~  
75 ~~of Florida for the sale of alcoholic beverages under the provisions of the~~  
76 ~~Beverage Law (Chapters 561-568, F.S.).~~

77 The provisions of this section shall apply countywide, unless in conflict with an  
78 applicable municipal ordinance, pursuant to Section 11.01 of the Broward County Charter.

79 Unless otherwise provided, nothing in this section shall be construed to alleviate the  
80 obligation to comply with applicable County or municipal regulations.

81 (b) *Prohibitions.*

82 (1) It shall be unlawful for any person to consume any alcoholic beverage upon  
83 any area available for use by the public for motor vehicle parking purposes,  
84 or any public street, highway, or sidewalk, where such area adjoins or is  
85 adjacent ~~or appurtenant~~ to any establishment within Broward County,  
86 Florida, where alcoholic beverages are sold or dispensed.

87 . . .

88 (3) It shall be unlawful for any person, or for the officers, employees, ~~servants~~  
89 or agents of any person, firm, association, or corporation licensed by the

90 State of Florida for the sale of alcoholic beverages for consumption either  
91 on or off the premises, to:

92 a. Sell, serve, or dispense any alcoholic beverage to any person upon  
93 any motor vehicle parking area ~~which~~ that adjoins or is adjacent to ~~or~~  
94 ~~adjoining, or appurtenant to~~ any establishment within Broward  
95 County, Florida, licensed for the sale of alcoholic beverages; or,

96 b. Knowingly permit the consumption of any alcoholic beverage by any  
97 person upon any motor vehicle parking area ~~which~~ that adjoins or  
98 is adjacent to ~~or adjoining, or appurtenant to~~ any establishment  
99 within Broward County, Florida, licensed for the sale of alcoholic  
100 beverages.

101 (c) *Enforcement and Penalty.* ~~Any person convicted of violating any provision~~  
102 ~~in this section shall be punished as provided by law~~ This section may be enforced by  
103 code enforcement officers, including municipal code enforcement officers, and any law  
104 enforcement agency having jurisdiction over the area where the establishment is located,  
105 pursuant to Section 125.69 and Chapter 162, Florida Statutes, or any applicable  
106 municipal code enforcement provision. Violations of this section are subject to  
107 prosecution and punishment as misdemeanors pursuant to Section 125.69(1), Florida  
108 Statutes, as amended.

109 **Sec. 3-3. Possession of an open container of an alcoholic beverage,**  
110 **~~consumption in motor vehicle.~~**

111 ~~(4)~~ (a) *Policy and Intent:* The Broward County Board of County Commissioners  
112 of ~~Broward County~~ finds that ~~the consumption~~ possession of an open container containing

113 an alcoholic beverages while ~~driving~~ operating or riding in or on a ~~motor~~ vehicle poses a  
114 grave and imminent hazard to the health and welfare of the residents of Broward County.  
115 Therefore, it is declared to be the policy of Broward County that the ~~consumption of~~  
116 ~~alcoholic beverages and the possession of any open container~~ containing an alcoholic  
117 beverages while ~~driving~~ operating or riding in or on a ~~motor~~ vehicle is prohibited.

118 (2) ~~Definitions:~~ The following words and phrases when used in this section  
119 shall, for the purposes of this section, have the following meanings:

120 (a) ~~Motor vehicle:~~ Any vehicle propelled by other than muscular power.

121 (b) ~~Alcoholic beverage:~~ Any beverage which contains more than one (1)  
122 percent of alcohol by weight.

123 (c) ~~Highway:~~ Any public street, avenue, boulevard, roadway, alley, sidewalk  
124 and other right-of-way located within Broward County.

125 (d) ~~Open container:~~ Any bottle, can or other receptacle containing any alcoholic  
126 beverage or any mixture containing an alcoholic beverage which has been  
127 opened, or a seal broken, or the contents of which have been partially  
128 removed. An open container shall not be considered in the possession of a  
129 person if the open container is located in a locked glove compartment, trunk  
130 or other locked compartment in the motor vehicle.

131 (3) (b) ~~Prohibitions:~~ No person shall drink from nor have in his possession any  
132 open container containing any alcoholic beverage or any mixture containing an alcoholic  
133 beverage while in or on a motor vehicle, whether moving or stopped, upon any highway.  
134 Any conduct in violation of Section 316.1936, Florida Statutes, as amended, prohibiting  
135 possession of an alcoholic beverage in a vehicle, shall be a violation of this section.

136           (4) ~~Exception; Vehicles for Hire:~~ No person shall be in violation of this section  
137 who is a passenger in a motor vehicle operated by a motor carrier certificated or  
138 registered in accordance with the provisions of chapter 22½ of the Broward County Code  
139 of Ordinances, or a passenger in a motor vehicle with a passenger capacity of more than  
140 eight (8), which motor vehicle is regularly engaged in the business of providing passenger  
141 transportation for compensation and is being operated by a person for compensation.

142           (5) (c) ~~Enforcement:~~ and penalty. It shall be the duty and responsibility of all law  
143 enforcement officers having jurisdiction over the area where the violation occurs to  
144 enforce the provisions of this section. Violations of this section are subject to prosecution  
145 and punishment as misdemeanors pursuant to Section 125.69(1), Florida Statutes, as  
146 amended.

147           (6) ~~Penalty:~~ Any person convicted of violating any portion of this section shall  
148 be punished as provided by law.

149           Section 2. Sections 3-4, 3-21, and 3-22 of the Broward County Code of  
150 Ordinances are hereby repealed in their entirety.

151           Section 3. Severability.

152           If any portion of this Ordinance is determined by any court to be invalid, the invalid  
153 portion will be stricken, and such striking will not affect the validity of the remainder of this  
154 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
155 legally applied to any individual, group, entity, property, or circumstance, such  
156 determination will not affect the applicability of this Ordinance to any other individual,  
157 group, entity, property, or circumstance.

158 Section 4. Inclusion in the Broward County Code of Ordinances.

159 It is the intention of the Board of County Commissioners that the provisions of this  
160 Ordinance become part of the Broward County Code of Ordinances as of the effective  
161 date. The sections of this Ordinance may be renumbered or relettered and the word  
162 "ordinance" may be changed to "section," "article," or such other appropriate word or  
163 phrase to the extent necessary to accomplish such intention.

164 Section 5. Effective Date.

165 This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By: /s/ Stacey R. Weinger 11/27/2023  
Stacey R. Weinger (date)  
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 11/27/2023  
Nathaniel A. Klitsberg (date)  
Senior Assistant County Attorney

SRW/cv  
Alcoholic Beverage Ordinance  
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.