Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>

Sent: Tuesday, January 16, 2018 1:39 PM

To: Marguerite Linke
Cc: County Ordinances

Subject: Hernando20180116_Ordinance2018_1_Ack.pdf **Attachments:** Hernando20180116_Ordinance2018_1_Ack.pdf

No problem, thank you.

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RICK SCOTT Governor **KEN DETZNER**Secretary of State

January 16, 2018

Honorable Don Barbee Jr. Hernando County Clerk's Office 20 North Main Street, Rm. 3621 Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2018-1, which was filed in this office on January 16, 2018.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\JAJ\Ordinances\Bottle Clubs\Proposed Ordinance 2018.wpd, January 8, 2018 (9:12am) NOTE: <u>additions/deletions</u> = language proposed for addition/deletion to existing Code provisions.

1 ORDINANCE NO.: 2018-1 2 AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF 3 REGULATIONS PERTAINING TO BOTTLE CLUBS; REPEALING SECTION 4-4 3 - BOTTLE CLUBS; AMENDING APPENDIX "A," ARTICLE I, SECTION 3 -5 DEFINITIONS; AMENDING APPENDIX "A," ARTICLE III, SECTION 3 -6 SPECIFIC REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING 7 FOR SEVERABILITY: PROVIDING FOR THE REPEAL OF CONFLICTING 8 PROVISIONS: AND PROVIDING FOR AN EFFECTIVE DATE. 9 10 WHEREAS, a "bottle club" is a commercial establishment that is operated for profit, whether 11 or not a profit is actually made, in which alcoholic beverages are not sold but where patrons are 12 allowed to consume alcoholic beverages on the premises; and, 13 WHEREAS, on March 19, 1985, the Board of County Commissioners ("the Board") enacted 14 Hernando County Code § 4-3, which requires that a person obtain a permit from Hernando County 15 to operate a bottle club and restricts the locations within Hernando County in which bottle clubs may 16 be operated; and, 17 WHEREAS, in 1991, the Florida Legislature enacted Fla. Stat. § 561.14(6) which preempts 18 the permitting requirement that is contained in Hernando County Code § 4-3; and 19 WHEREAS, the Board wishes to retain the restrictions on where bottle clubs may be located, 20 but has determined that it would be more appropriate for those regulations to be located within 21 Appendix "A" to the Hernando County Code; 22 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 23 COMMISSIONERS OF HERNANDO COUNTY:

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1 Section 1. Repeal of Section 4-3. Hernando County Code § 4-3 (Bottle Clubs) is hereby 2 repealed. 3 Section 2. Amendment of Appendix "A," Article I, Section 3. Hernando County Code 4 Appendix "A," Article I, Section 3 (Definitions), is hereby amended to add the following definition 5 for the term "bottle club": 6 Bottle club: A bottle club is an alcoholic beverage dispensation establishment that 7 is operated for profit, whether or not a profit is actually made, in which alcoholic beverages are not sold, but where patrons are allowed to consume alcoholic 8 9 beverages on the premises. 10 Section 3. Amendment of Appendix "A," Article III, Section 3. Hernando County Code Appendix "A," Article III, Section 3(C) (Specific Regulations), is hereby amended to read as 11 12 follows: 13 Alcoholic beverages: Uses involving the sale of alcoholic beverages or the operation 14 of a bottle club may be permitted only in those zoning districts where such uses are 15 designated as wither [with] a special exception use or permitted use under the zoning 16 district regulations. In addition to conforming with all provisions of this ordinance, 17 uses involving the sale of alcoholic beverages or the operation of a bottle club shall 18 be subject to the following regulations: 19 (1) That from and after the date of this Ordinance is effective, no new business shall be established or license issued for the sale of alcoholic beverages or 20

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1 the operation of a bottle club within five hundred (500) feet of an established church 2 or school in all that area of Hernando County, Florida, lying outside the limits of 3 incorporated municipalities. Said distance shall be measured by following the shortest route of 4 (2) 5 ordinary pedestrian travel along the public thoroughfare from the main entrance of 6 the vendor's place of business, to the main entrance of the church or school. 7 Section 4. Codification. It is the intention of the Board of County Commissioners of 8 Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall 9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the 10 sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," "division" or any other appropriate 11 12 designation. 13 Section 5. Severability. It is declared to be the intent of the Board of County 14 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this 15 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the 16 validity of the remaining portions of this ordinance. 17 Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances in 18 conflict with the provisions of this ordinance are hereby repealed.

1	Section 7. Effective Date. This ordinance shall take effect immediately upon receipt of
2	official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
3	been filed with said office.
4	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
5	HERNANDO COUNTY in Regular Session this 9th day of January 2018.
6	BOARD OF COUNTY COMMISSIONERS
7	HERNANDO COUNTY, FLORIDA
8	
9	
10	Attest: Warguerite Linke, D. C. By:
11	DONALD C. BARBEE, JR.
12	Clerk Steve Champion
13	(Print Name)
14	Chairman
15	
16	Approved for Form and Legal Sufficiency
17	
18	
19	
20	Deputy County Attorney