

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 21, 2007

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

AGENDA ITEM WORDING:

Approval to advertise a public hearing for an ordinance adding Sec. 2.1-6 of the Monroe County Code requiring warning signs to be posted at all points of sale, including bars and restaurants, about the dangers to unborn children of women who drink alcoholic beverages while pregnant.

ITEM BACKGROUND:

The Florida Keys Healthy Start Coalition addressed the Board on 9/20/2006 requesting enactment of an ordinance which would require bars and restaurants in the County to post signage about the risks of drinking alcohol for a pregnant woman's unborn child.

PREVIOUS RELEVANT BOCC ACTION:

9/20/2006 Board directed staff to research and draft ordinance.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval to advertise.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM #

Revised 2/27/01

ORDINANCE NO. _____ - 2007

AN ORDINANCE OF MONROE COUNTY, FLORIDA, AMENDING CHAPTER 2.1 ENTITLED "ALCOHOLIC BEVERAGES" ADDING SECTION 2.1-6; PROVIDING THAT WHEREVER ALCOHOLIC BEVERAGES ARE SOLD, WARNING SIGNS SHALL BE POSTED ABOUT THE DANGERS TO UNBORN CHILDREN OF WOMEN WHO DRINK ALCOHOLIC BEVERAGES WHILE PREGNANT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY:

Section 1. Findings by the Board of County Commissioners.

- A. Drinking of alcoholic beverages by pregnant women is dangerous to their unborn children.

- B. Alcoholic beverages ingested during pregnancy may cause birth defects and fetal alcohol syndrome.

Section 2. Sec. 2.1-6 is hereby added to read as follows:

Sec. 2.1-6 Requirement for Warning Signs at Point of Sale of Alcoholic Beverages

(a) Definitions. The following words and phrases, when used in this section, shall, for the purposes of this section, have the following meanings:

(1) Alcoholic beverage. Any beverage which contains more than one-half of one percent of alcohol by weight as determined in accordance with Florida Statutes Section 561.01(4)(b), including alcohol, spirits, liquor, wine and beer or a combination of alcohol, spirits, liquor, wine and beer as defined in Florida Statutes Section 561.01(4)(a) with a nonalcoholic beverage, liquid or other ingredient.

(2) Vendor means any person or entity who owns or operates a business establishment whether as a primary or accessory use, including but not limited to a bar, restaurant, tavern, pub, yacht or country club, hotel, motel or other lodging establishment which sells at retail any alcoholic beverage for on-premises consumption. Vendor also includes any person or entity who owns and operates a liquor store, or other business establishment, including but not limited to grocery stores, drugstores, convenience stores and gas stations, which has retail sale of alcoholic beverages.

(b) Warning sign: All vendors of alcoholic beverages shall have posted in a conspicuous place in their premises a sign which is clearly visible and legible to all patrons entering the premises which shall read as follows:

"HEALTH WARNING"

DRINKING DISTILLED SPIRITS, BEER (INCLUDING NON-ALCOHOLIC), COOLERS, WINE AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY MAY INCREASE THE RISK OF PERMANENT BIRTH DEFECTS.

Alternatively, a sign provided by the Florida Keys Healthy Start Coalition may be used.

- (c) The above sign shall be a minimum size of eight and one-half (8 1/2) inches by eleven (11) inches.
- (d) Violation: A violation of this section may be prosecuted in the same manner as a second degree misdemeanor pursuant to F.S. section 125.60 or as a code violation under F.S. chapter 162 or through any other lawfully available method, including civil injunctive relief. Enforcement proceedings before the code enforcement Special Magistrate shall subject the violator to fines and penalties pursuant to chapter 6.3 of this Code. Criminal prosecution pursuant to section 125.60, Florida Statutes shall subject a person to fines not to exceed five hundred dollars (\$500.00) or to imprisonment in the county jail not to exceed 60 days or to both such fine and imprisonment. Each day of a continuing violation shall constitute a separate offense subject to the penalties set forth herein.

(e) **Applicability:** This section shall be applicable countywide. Notwithstanding this provision, all incorporated municipalities within the county may by resolution or ordinance of their governing body exempt vendors of alcoholic beverages within their municipal limits from the provisions of this section.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto.

Section 6. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2007.

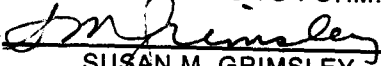
| | |
|------------------------------------|-------|
| Mayor Mario DiGenarro | _____ |
| Mayor Pro Tem Dixie Spehar | _____ |
| Commissioner Charles "Sonny" McCoy | _____ |
| Commissioner George Neugent | _____ |
| Commissioner Sylvia Murphy | _____ |

(SEAL)
Attest: DANNY L.KOLHAGE, Clerk

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

By _____
Deputy Clerk

By _____
Mayor

MONROE COUNTY ATTORNEY
 APPROVED AS TO FORM:

 SUSAN M. GRIMSLEY
 ASSISTANT COUNTY ATTORNEY
 Date 3-6-07

WARNING

Drinking distilled spirits, beer (including non-alcoholic), coolers, wine and other alcoholic beverages during pregnancy may increase the risk of permanent birth defects.



An initiative of the Florida Keys Healthy Start Coalition, Inc.
Zero Exposure Project

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12x10"