



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2533, **Version:** 1

Subject:

Ordinance Repealing Section 6-2, Brevard County Code of Ordinances (Open Containers)

Fiscal Impact:

None

Dept/Office:

County Attorney as requested by District 3 and approved by the Board on 2/9/2021

Requested Action:

Approval of Proposed Ordinance

Summary Explanation and Background:

Section 6-2, Brevard County Code of Ordinances, restricts the possession of open containers of alcoholic beverage in certain areas of unincorporated Brevard County. Section 6-2 only addresses possession or access to an open container; it does not regulate behavior associated with public intoxication.

Section 856.011, Florida Statutes, does regulate behavior associated with public intoxication. Section 6-2 is no longer needed in the Brevard County Code because a prohibition on open containers does not necessarily protect the public from potentially dangerous behavior from public intoxication and the public is protected from such behavior through the aforementioned state statute.

The proposed ordinance will take effect only in the unincorporated area of Brevard County, Florida.

Clerk to the Board Instructions: