Alcoholic Beverages -- Municipal Ordinances

Number: INFORMAL

Date: July 13, 2016

Ms. Alison L. Dawley
City Attorney
City of Melbourne
900 E. Strawbridge Avenue
Melbourne, Florida 32901

Dear Ms. Dawley:

Thank you for contacting the Florida Attorney General's Office for assistance in determining "[w]hether valid municipal ordinances regarding alcohol are enforceable on property owned or controlled by college institutions of the Florida College System[.]" Attorney General Bondi has asked me to respond to your letter.

After reviewing the information you have submitted, it does not appear that this is a matter upon which this office may comment. The Florida Attorney General is statutorily authorized to provide legal opinions on questions of state law relating to the duties and responsibilities of governmental officers and agencies. See section 16.01(3), Florida Statutes, and Department of Legal Affairs Statement Concerning Attorney General Opinions (available as FAQ at myfloridalegal.com). It is the policy of this office not to comment on the duties and responsibilities of one governmental officer or agency at the request of another. Thus, with a fact situation such as the one you present, i.e., the enforcement of municipal ordinances on the property of another governmental agency, Eastern Florida State College, this office will not comment in the absence of a request that includes the college.

However, in an effort to assist you I offer the following informal comments.

Eastern Florida State College is a Florida College System institution operating pursuant to Part III, Chapter 1001, Florida Statutes. The powers and duties of Florida College System institution boards of trustees are set forth in section 1001.64, Florida Statutes. Among those powers is that expressed in subsection (5):

"Each board of trustees shall have responsibility for the use, maintenance, protection, and control of Florida College System institution owned or Florida College System institution controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the Florida College System institution. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound." (e.s.)

Thus, it appears that the Legislature intended to give the responsibility for policies placing restrictions on activities and access to alcoholic beverages on college property to the boards of

trustees of Florida College System institutions.[1] This statute also places responsibility for law enforcement within their jurisdiction with each board of trustees and authorizes each board to employ police officers to accomplish the duties imposed by the statute.[2]

I trust that these informal comments will assist you in advising your client, the City Council of the City of Melbourne.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

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[1] And see s. 1001.64 (4)(b) and (8), Fla. Stat., authorizing the adoption of policies by each Florida College System institution board of trustees for such things as the buildings and grounds of the institution and student activities.

[2] Section 1001.64 (23), Fla. Stat. And see s. 1012.88, Fla. Stat.