Local option on sale of intoxicating alcohol

Number: INFORMAL

Date: October 09, 2009

Mr. Warren Irwin
217 Southeast Park Loop
Madison, Florida 32340

Dear Mr. Irwin:

Thank you for your letter of December 6th relating to the Madison County local option election. Attorney General McCollum has asked me to respond.

Chapter 567, Florida Statutes, Florida's local option election act, requires that one-fourth of the registered voters of the county sign the petition requesting a county-wide vote on the sale of intoxicating liquors, wines, or beer. Nothing in section 567.01, Florida Statutes, addresses the situation you have described involving signature gathering both before and after a general election and the calculation or recalculation of registered voters based on this fact situation. Florida and the nation have seen an unprecedented rise in the number of registered voters during the last general election cycle and this issue may arise in other contexts as well. I am enclosing a copy of Attorney General's Opinion 56-307 (1956) which advises that the number of signatures required is calculated based upon the day the petition is filed with the county commission pursuant to section 567.01, Florida Statutes.

I trust that these informal comments will be helpful to you.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/t

Enclosure: AGO 56-307