

SB328 ENROLLED



1 SB328
2 Y3ASNN2-3
3 By Senator Waggoner
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 16-Apr-24



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1 Enrolled, An Act,

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4 Relating to community development districts; to amend
5 Section 35-8B-1, Section 35-8B-2, and Section 35-8B-3, Code of
6 Alabama 1975, to provide for an additional community
7 development district that meets certain criteria.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 35-8B-1, Section 35-8B-2, and
10 Section 35-8B-3, Code of Alabama 1975, are amended to read as
11 follows:

12 "§35-8B-1

13 (a) (1) "Community development district" means a private
14 residential development that meets all of the following
15 criteria:

16 a. Is a size of at least 250 acres of contiguous land
17 area.

18 b. Has at least 100 residential sites, platted and
19 recorded in the probate office of the county as a residential
20 subdivision.

21 c. Has streets that were or will be built with private
22 funds.

23 d. Has a social club with all of the following:

24 1. An 18-hole golf course of regulation size.

25 2. A restaurant or eatery used exclusively for the
26 purpose of preparing and serving meals, with a seating
27 capacity of at least 60 patrons.

28 3. Social club memberships with at least 100 paid-up



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29 members who have paid a membership initiation fee of not less
30 than two hundred fifty dollars (\$250) per membership.

31 4. Membership policies whereby membership is not denied
32 or impacted by an applicant's race, color, creed, religion, or
33 national origin.

34 5. A full-time management staff for the social
35 activities of the club, including the management of the
36 premises where food and drink are sold.

37 (2) The sale of any alcoholic beverages in any
38 community development district established under this
39 subsection shall be subject to a tax levied by the county on
40 any sale at the same rate as the tax on any sale of liquor in
41 the largest municipality in the county in which the district
42 is established and shall be distributed as provided in Section
43 35-8B-5.

44 (b) "Community development district" also means
45 privately owned property used for social purposes that meets
46 all of the following criteria:

47 (1) Is a size of at least 250 acres of contiguous land
48 area.

49 (2) Is located in a dry county that has one or more wet
50 municipalities, but outside the corporate limits of any
51 municipality.

52 (3) Is a social club with all of the following:

53 a. An 18-hole golf course of regulation size.

54 b. A marina and boat storage facility with at least 35
55 spaces.

56 c. A clubhouse with more than 20,000 square feet.



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57 d. A restaurant or eatery used exclusively for the
58 purpose of preparing and serving meals, with a seating
59 capacity of at least 88 patrons.

60 e. At least 600 paid-up golf or social members who have
61 paid a membership initiation fee of not less than two thousand
62 dollars (\$2,000) per family or individual membership.

63 f. Membership policies whereby membership is not denied
64 or impacted by an applicant's race, color, creed, religion, or
65 national origin.

66 g. A full-time management staff for the social
67 activities of the club, including the management of the
68 premises where food and drink are sold.

69 (c) In addition to the limitations specified in Section
70 35-8B-3, with regard to a community development district
71 defined in subsections (a) and (b), alcoholic beverages shall
72 be sold only for on-premises consumption, as defined in
73 Section 35-8B-3(a)(3), and in regard to a community
74 development district defined in subsection (b), alcoholic
75 beverages shall not be sold within 3,000 feet of the south
76 right-of-way of any state or federal highway adjacent to any
77 such district.

78 (d) (1) "Community development district" also means a
79 private residential development that may or may not include
80 additional contiguous privately-owned property used for
81 residential, social, commercial, or charitable purposes that
82 meets all of the following criteria:

83 a. Is the size of at least 650 acres of contiguous land
84 area, but may also contain ~~non-contiguous~~ noncontiguous land



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85 if so divided by a public highway which shall be made part of
86 the district per the articles of establishment.

87 b. Is located in a dry county that has one or more wet
88 municipalities, but may be outside the corporate limits of any
89 municipality or within the corporate limits of a municipality.

90 c. Has all of the following:

91 1. At least a 9-hole golf course.

92 2. An amenity complex to include a fitness center and a
93 swimming pool.

94 3. A clubhouse with at least 7,000 square feet.

95 4. A restaurant or eatery used for the purpose of
96 preparing and serving meals, with a seating capacity of at
97 least 50 patrons.

98 5. A recreational lake of at least 30 acres.

99 6. At least 200 paid-up golf or club memberships paid
100 initially by either the developer, residential landowners, or
101 commercial entities located within the district at the rate of
102 at least five hundred dollars (\$500) per membership provided
103 the developer reserves the right through residential and
104 commercial lease and purchase agreements to require additional
105 membership and initiation fees and further provided the
106 developer has the discretion to restrict use of the golf
107 course to district landowners and guests or at the developer's
108 discretion to extend use of the golf course to the general
109 public subject to fees set and determined by the developer
110 which may differ from fees applicable to residential and
111 commercial lease and purchase agreements.

112 7. Membership policies whereby membership is not denied



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113 or impacted by an applicant's race, color, religion, or
114 national origin.

115 d. May include a multi-purpose use entertainment
116 facility with a minimum capacity to accommodate at least 7,500
117 patrons.

118 e. May include commercial establishments.

119 (2) Notwithstanding any other provisions of law, the
120 sale and distribution of alcoholic beverages, including draft
121 or keg beer, by licensees of the Alcoholic Beverage Control
122 Board shall be authorized in a community development district
123 defined under this subsection, and Section 35-8B-3 shall not
124 apply.

125 (e) "Community development district" also means a
126 commercial district located in a wet county that does not
127 authorize Sunday sales and outside the corporate limits and
128 police jurisdiction of any municipality and which has a
129 restaurant with a seating capacity of at least 120, a
130 grocery-delicatessen, riding stables and riding trails, a
131 community information center, outdoor programming activities,
132 and rural lifestyle demonstrations.

133 (f) "Community development district" also means a
134 commercial district located in a wet county that does not
135 authorize Sunday sales, has a restaurant with a seating
136 capacity of at least 120, is adjacent to a marina with at
137 least 34 boat slips, and is located on property where the
138 marina and restaurant are under common ownership.

139 (g) "Community development district" also means a
140 commercial district that includes a marina located on a river



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141 in an unincorporated area of a wet county that does not
142 authorize seven-day sales with two separate food and beverage
143 buildings with a combined space of at least 7,500 square feet
144 connected by a boardwalk and separated by a patio with an
145 entertainment stage.

146 (h) "Community development district" also means a
147 commercial district located in a dry county that shares a
148 geographic border with another state, has an elevation of at
149 least 1,500 feet, and has a recreational waterway, specialty
150 shops and restaurants, summer camps and retreat centers, an
151 art gallery, and annual festivals showcasing the area.

152 (i) (1) "Community development district" also means a
153 commercial district that borders on a lake that is formed by
154 an impounded reservoir of a river whose source is in a federal
155 wilderness area and has a marina with not less than 30 boat
156 slips and a restaurant with seating capacity of not less than
157 100 seats of which not less than 50 seats must be inside
158 seating and is located on property where the marina and
159 restaurant are under common ownership. In addition to any
160 other requirements by law, the restaurant shall obtain a
161 business license from the local governing body having primary
162 jurisdiction of the property where the restaurant is located
163 and shall be subject to additional regulation as determined
164 necessary by the local governing body. Only one restaurant
165 license per community development district shall be allowed.

166 (2) The sale of any alcoholic beverages in any
167 community development district established under this
168 subsection shall be subject to a tax levied by the county on



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169 any sale at the same rate as the tax on any sale of liquor in
170 the largest municipality in the county in which the district
171 is established and shall be distributed as provided in Section
172 35-8B-5.

173 (j) "Community development district" also means a
174 parcel of real property that meets all of the following
175 criteria:

176 (1) It is owned by the same person or entity.

177 (2) It consists of not less than 160 acres.

178 (3) It is located partially in a dry county and
179 partially in a wet county.

180 (4) It contains a lake of not less than 70 acres with a
181 fishing resort consisting of a rental boathouse, campsites,
182 and a community room.

183 (k) "Community development district" also means a
184 parcel of real property that meets all of the following:

185 (1) Consists of at least 1,600 acres.

186 (2) Holds concerts and other family-oriented events.

187 (3) Is located in a dry county with at least one wet
188 municipality.

189 (l) "Community development district" also means a
190 commercial district located in a wet county that does not
191 authorize Sunday sales which district is composed of resort
192 property consisting of 3,000 or more contiguous acres under
193 common ownership, has a public golf course with a practice
194 area and clubhouse, has a restaurant on the property, has
195 overnight accommodations consisting of 40 or more guest
196 suites, and has a shooting range.



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197 (m) "Community development district" also means a
198 parcel of land in a resort area consisting of a lodge for
199 overnight accommodations and homesites that include vacation
200 rentals and meets all of the following:

201 (1) The development was originally developed by
202 entities owned by the same family.

203 (2) It consists of not less than 180 acres located in a
204 dry county which borders an adjoining state and has an
205 elevation of not less than 1,100 feet.

206 (3) It has a lodge providing overnight accommodations,
207 including a dining facility with a seating capacity of not
208 less than 50 which is open to the public.

209 (4) It contains a platted subdivision of not less than
210 90 homesites, including homes available for vacation rental
211 with plans for additional development.

212 (5) It is located on a bluff over the backwaters of a
213 major river that flows through an adjoining state and flows
214 through or borders on another adjoining state.

215 (n) "Community development district" also means a
216 commercial district located in a wet county that does not
217 authorize Sunday sales, has a restaurant with a seating
218 capacity of at least 96 seats inside and 24 seats outside, is
219 located on a lake and adjacent to docking facilities and boat
220 slips for at least 24 boats, is licensed only to sell beer and
221 wine, and is located on property where the restaurant and boat
222 slips and docking facilities are under common ownership.

223 (o) "Community development district" also means
224 privately owned property that meets all of the following



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225 criteria:

226 (1) It is used for social purposes.

227 (2) It is located in a dry county that has one or more
228 wet municipalities, but outside the corporate limits of any
229 municipality.

230 (3) It has a marina and a boat storage facility with at
231 least 150 spaces.

232 (4) It has a shipstore with at least 2,200 square feet.

233 (5) It is adjacent to a lake of at least 100,000 acres.

234 (6) It has a restaurant or eatery used for the purpose
235 of preparing and serving meals, with a seating capacity of at
236 least 40 patrons.

237 (p) "Community development district" also means an area
238 owned by an industrial development board located in a dry
239 county with a wet municipality, but in a municipality that has
240 more than 750 persons, according to the 2010 federal decennial
241 census, and the property meets all of the following:

242 (1) The property is in a county bordering on two other
243 states.

244 (2) The property is on a bluff overlooking a river
245 flowing through two adjoining states.

246 (3) The property would be used only for a hotel having
247 not less than 50 rooms and a restaurant.

248 (q) (1) "Community development district" also means
249 privately owned property that meets all of the following
250 criteria:

251 a. It is located in a dry county that has one or more
252 wet municipalities, but outside the corporate limits of any



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253 municipality.

254 b. It consists of at least 60 acres.

255 c. It has facilities on the property which employ a
256 full-time management staff for the social activities of the
257 facilities, including the management of the premises where
258 food and drink are sold.

259 d. It has a restaurant or eatery used for the purpose
260 of preparing and serving meals, with a seating capacity of at
261 least 500 patrons operated on the property.

262 e. It has concerts and other family-oriented events
263 held on the property.

264 f. It has overnight accommodations with the capacity to
265 sleep at least 70 individuals.

266 g. It has at least five fishing ponds.

267 h. It has an amphitheater for outdoor entertainment
268 events.

269 i. It has a chapel for wedding services.

270 j. It has an RV park with a capacity of at least four
271 RVs.

272 k. It has five reception halls with a seating capacity
273 of at least 1,900 individuals.

274 l. It has an outdoor stage.

275 (2) The sale of any alcoholic beverages in any
276 community development district established under this
277 subsection shall be subject to a tax levied by the county on
278 any sale at the same rate as the tax on any sale of liquor in
279 the largest municipality in the county in which the district
280 is established and shall be distributed as provided in Section



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281 35-8B-5.

282 (r) (1) "Community development district" also means
283 property that meets all of the following criteria:

284 a. It is located in a dry county that shares a border
285 with another state and which contains at least one wet
286 municipality, but the property is located outside the
287 corporate limits of any municipality.

288 b. It is adjacent to a river flowing through two
289 adjoining states.

290 c. It has at least one restaurant with a seating
291 capacity of at least 40 patrons.

292 d. It contains a contiguous land area of private
293 residential development amounting to more than 250 acres.

294 e. It contains over 100 residential sites, platted and
295 recorded.

296 f. It contains streets that are, or will be, built with
297 private funds.

298 g. It contains an 18-hole public golf course of
299 regulation size, which offers an annual subscription or
300 membership to cover the cost of greens fees.

301 (2) Notwithstanding any other provisions of law, the
302 sale and distribution of alcoholic beverages, including draft
303 or keg beer, by licensees of the Alcoholic Beverage Control
304 Board shall be authorized in a community development district
305 defined under this subsection and Section 35-8B-3 shall not
306 apply.

307 (s) (1) "Community development district" also means a
308 commercial district or resort that borders on a lake that is



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309 formed by an impounded reservoir of a river whose source is in
310 a federal wilderness area that meets the following criteria:

311 a. Is a size of at least 500 or more acres of
312 contiguous land area;

313 b. Is located in a dry county that has one or more wet
314 municipalities, but is located outside the corporate limits of
315 any wet municipality;

316 c. Has a hotel or lodge or rental homes with a minimum
317 of 100 rooms;

318 d. Has at least one 18-hole golf course of regulation
319 size;

320 e. Has a marina with not less than 50 boat slips or
321 storage spaces;

322 f. Has a clubhouse;

323 g. Has more than one restaurant, bar, or tavern or
324 other eatery used exclusively for the purpose of preparing and
325 serving meals or beverages or both, seven days per week, with
326 at least one restaurant having a seating capacity for at least
327 50 patrons;

328 h. Has a conference center;

329 i. Has membership policies that provide that membership
330 is not denied or impacted by an applicant's race, color,
331 creed, religion, or national origin.

332 (2) In a community development district as defined in
333 this subsection, alcoholic beverages shall be sold only by
334 licensees of the Alabama Alcoholic Beverage Control Board for
335 consumption, including Sunday sales, within or on a licensee's
336 property and as otherwise provided herein. An Alcoholic



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337 Beverage Control licensee in the district may operate a
338 resort-owned luxury fine dining dinner cruise and special
339 events yacht which may serve meals or alcoholic beverages, or
340 both, while on the water, provided, the following minimum
341 criteria are met: (i) length of not less than 60 feet; (ii)
342 U.S. Coast Guard approved seating capacity of not less than
343 40; and (iii) operated by a USCG licensed captain. The
344 restaurant or tavern shall obtain a business license from the
345 local governing body having primary jurisdiction of the
346 property where the restaurant is located and shall be subject
347 to additional regulation as determined necessary by the local
348 governing body.

349 ~~(s)~~t. If a community development district is located in
350 any county, including within any wet or dry municipality
351 located within the county, the county shall participate in the
352 distribution of taxes and license fees pursuant to Chapters 3
353 and 3A of Title 28.

354 ~~(t)~~u. Any alcohol revenues received by a county under
355 Act 2007-417 shall offset in an equal amount any T.V.A.
356 in-lieu-of-taxes payments received by the county. Any T.V.A.
357 in-lieu-of-taxes payments replaced by alcohol revenues under
358 this subsection shall be distributed to T.V.A.-served
359 counties.

360 ~~(u)~~v. If a community development district established
361 prior to June 1, 2014, becomes a new municipality pursuant to
362 Sections 11-41-1 and 11-41-2, the section requiring a vote of
363 the residents of the property described in the petition, the
364 new municipality created thereby shall be wet and the sale and



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365 distribution of alcoholic beverages therein shall be
366 authorized to the full extent of any other wet municipality.
367 In addition to the other requirements for incorporating into a
368 municipality set forth in Sections 11-41-1 and 11-41-2, the
369 petition shall provide notice to potential voters that if the
370 new municipality is incorporated it shall be wet."

371 "§35-8B-2

372 The exclusive and uniform method for the establishment
373 of a community development district shall be by the filing of
374 the articles of establishment of a community development
375 district with the judge of probate of the county in which the
376 district is to be located, or if located in more than one
377 county, of the county wherein is located the largest area of
378 the community development district.

379 (1) The articles of establishment of a district defined
380 in subsection (a) of Section 35-8B-1 shall contain the
381 following:

382 a. The written consent to the establishment of the
383 district by the owner or owners of at least 51 percent of the
384 real property to be included in the district, or documentation
385 demonstrating that the petitioner has control by deed, trust
386 agreement, contract, or option of at least 51 percent of the
387 real property to be included in the district.

388 b. A metes and bounds description of the external
389 boundaries of the district, with a specific metes and bounds
390 description of any real property within the external
391 boundaries of the district, which is to be excluded from the
392 district.



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393 c. A schematic layout of the proposed district with a
394 map of the proposed and existing residential subdivisions,
395 streets, and roads in the district, and of the building and
396 grounds to be used in common by members of the club operating
397 in the district, together with a commitment that the owner or
398 owners of the real property located within the district will
399 bear the costs of the construction of such proposed streets
400 and roads, if such proposed roads and streets do not exist on
401 the day the articles of establishment are filed.

402 d. The proposed name of the district, and the location
403 and the mailing address of the principal office of the
404 district.

405 e. A designation of five persons to be the initial
406 members of the board of control of the district, two of whom
407 shall serve in that office until replaced by elected members;
408 provided, the two elected members of the board of control
409 shall be elected by the members of the club who may vote in
410 person or by proxy in writing at an annual meeting of the
411 district, which date shall be specified in the petition. Each
412 club member shall be entitled to cast one vote. The two
413 candidates receiving the highest number of votes shall be
414 elected to the board of control for a period of one year, or
415 until his or her successor shall be duly elected. Upon the
416 death or resignation of a non-elected member of the board of
417 control, the remaining board members shall elect, by majority
418 vote at a called board meeting, a new non-elected board
419 member.

420 (2) The articles of establishment of a district defined



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421 in subsections (b) and (d) of Section 35-8B-1 shall contain
422 the following:

423 a. The written consent to the establishment of the
424 district by the owner of the real property to be included in
425 the district.

426 b. A metes and bounds description of the external
427 boundaries of the district.

428 c. A schematic layout of the proposed district with a
429 map of the buildings and grounds to be used in common by the
430 members of the club operating in the district.

431 d. The proposed name of the district and the location
432 and the mailing address of the principal office of the
433 district.

434 e. A designation of members of the board of governors
435 of the club operating in the district who shall be the members
436 of the board of control of the district.

437 (3) The articles of establishment of a district
438 described in Section 35-8B-1(e), (f), (g), (h), (i), (j), (k),
439 (l), (m), (n), (o), (p), (q), ~~or~~ (r), or (s) shall contain the
440 following:

441 a. The written consent to the establishment of the
442 district by the owner of the real property to be included
443 within the district.

444 b. A metes and bounds description of the external
445 boundaries of the district.

446 c. A schematic layout of the proposed district with a
447 map of the buildings and grounds to be used in common by
448 guests in the district.



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449 d. The proposed name of the district and the location
450 and the mailing address of the principal office of the
451 district.

452 e. A designation of members of the board of governors
453 of the district who shall be elected by the owner of the real
454 property included in the district.

455 (4) The articles of establishment and two copies
456 thereof shall be delivered to the ~~probate judge~~judge of
457 probate who shall, upon the payment of the fees hereinafter
458 prescribed:

459 a. Endorse on the articles and on each of the copies
460 the word "Filed," and the hour, day, month, and year of the
461 filing thereof.

462 b. File the articles in his or her office and certify
463 the two copies thereof.

464 c. Issue a certificate of establishment to which he or
465 she shall affix one certified copy of the articles of
466 establishment, and return the certificate with a certified
467 copy of the articles of establishment affixed thereto to the
468 district.

469 (5) Upon the filing of the articles of establishment of
470 the community development district with the ~~probate judge~~judge
471 of probate, the district's existence shall begin.

472 (6) In lieu of all other charges and fees for a
473 community development district formed under Section
474 35-8B-1(a), (b), or (d), the ~~probate judge~~judge of probate
475 shall charge and collect for filing the articles of
476 establishment and issuing a certificate of establishment, one



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477 thousand dollars (\$1,000) payable to the municipality in which
478 is located the largest area of the community development
479 district if located in a municipality, and if not, to the
480 county in which is located the largest area of the community
481 development district and three hundred fifty dollars (\$350) to
482 the county for the purpose of providing additional funds for
483 the office of the ~~probate judge~~judge of probate. On or before
484 the anniversary date of the filing of the articles of
485 establishment, excluding the actual year of filing, the board
486 of control shall pay to the ~~probate judge~~judge of probate a
487 fee of three hundred fifty dollars (\$350) and a fee of one
488 thousand dollars (\$1,000) payable to the municipality in which
489 is located the largest area of the community development
490 district if located in a municipality, and if not, to the
491 county in which is located the largest area of the community
492 development district for the purpose of providing additional
493 funds for the office of the ~~probate judge~~judge of probate.

494 (7) In lieu of all other charges and fees for a
495 community development district formed under Section
496 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o),
497 (p), (q), ~~or~~ or (r), or (s) the judge of probate shall charge and
498 collect a one-time fee for filing the articles of
499 establishment and issuing a certificate of establishment of
500 five hundred dollars (\$500) payable to the county in which is
501 located the largest area of the district for the purpose of
502 providing additional funds to the judge of probate."

503 "§35-8B-3

504 (a) If a majority of the board of control of a



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505 community development district formed under Section
506 35-8B-1(a), (b), or (d) consents to and approves the sale and
507 distribution of alcoholic beverages within the district, it
508 shall be lawful to sell and distribute alcoholic beverages in
509 the community development district in the following manner and
510 subject to the following terms, definitions, and conditions:

511 (1) Upon being licensed by the Alabama Alcoholic
512 Beverage Control Board, alcoholic beverages may be sold by the
513 club of the district to members and their guests for
514 on-premises consumption only. The club shall be licensed to
515 sell alcoholic beverages to its members and their guests as a
516 club liquor retail licensee by the Alabama Alcoholic Beverage
517 Control Board, upon the club's compliance with the provisions
518 of the alcoholic beverage licensing code and the rules adopted
519 thereunder. The original application shall be accompanied by a
520 certificate from the board of control of the district in which
521 the licensed club is located, consenting to and approving the
522 sale of alcoholic beverages at the club. The club shall not be
523 required to present its application or obtain the consent and
524 approval of any authority other than the board of control of
525 the district.

526 (2) MEMBER. Any person or entity whose membership
527 application has been approved by the club.

528 (3) ON-PREMISES CONSUMPTION. Consumption on the
529 property of the club, including the club house, the golf
530 course, and other recreational facilities of the club. Sales
531 of alcoholic beverages for on-premises consumption shall be
532 made only by authorized charge to a member's account.



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533 (b) If a majority of the board of control of a
534 community development district formed pursuant to Section
535 35-8B-1(e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p),
536 ~~or~~(q), or (s) consents to and approves the sale and
537 distribution of alcoholic beverages within the district for
538 seven days a week, any person within the district licensed by
539 the Alabama Alcoholic Beverage Control Board may sell
540 alcoholic beverages in the district for on-premises
541 consumption.

542 (c) If a majority of the board of a community
543 development district formed pursuant to Section 35-8B-1(h)
544 consents to and approves the sale of alcoholic beverages
545 within the district for seven days a week, any person within
546 the district with the appropriate license from the Alabama
547 Alcoholic Beverage Control Board may sell alcoholic beverages
548 in the district for on-premises or off-premises consumption,
549 subject to approval by a referendum as provided herein.

550 (1) If the community development district is situated
551 entirely within the corporate limits of a municipality, then
552 upon a petition by the board of the district being filed with
553 the city or town clerk or governing body of the municipality,
554 the governing body must call a municipal referendum election
555 on the question of whether to authorize the sale of alcoholic
556 beverages in the district as provided in the petition. The
557 municipal election shall be held at the time of the primary,
558 general, county-wide, or municipal election next succeeding
559 the date of the filing of the petition but not less than 82
560 days from the date of the filing of the petition. The cost of



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561 the municipal election, including the cost of notice by
562 publication, shall be paid out of the general fund of the
563 municipality.

564 (2) If the community development district is not
565 situated entirely within the corporate limits of a
566 municipality, then upon a petition by the board of the
567 district being filed with the ~~probate judge~~judge of probate of
568 the county, the ~~probate judge~~judge of probate must call a
569 county-wide referendum election on the question of whether to
570 authorize the sale of alcoholic beverages in the district as
571 provided in the petition. The county-wide election shall be
572 held at the time of the regularly scheduled primary or general
573 election next succeeding the date of the filing of the
574 petition but not less than 82 days from the date of the filing
575 of the petition. The cost of the election, including the cost
576 of notice by publication, shall be paid out of the general
577 funds of the county.

578 (3) Notice of any referendum election called pursuant
579 to the provisions hereof shall be given by the city or town
580 clerk for municipal elections, or by the ~~probate judge~~judge of
581 probate for county-wide elections, by publication at least
582 three weeks before the date of the election, in a newspaper in
583 the municipality or county, as appropriate, or, if there be
584 none, by posting the notice at the town or city hall or county
585 courthouse, as appropriate, apprising the voters of the
586 municipality or county that an election will be held to
587 determine whether alcoholic beverages may be sold within the
588 district as provided in the petition.



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589 (4) If a majority of the electors voting in a
590 referendum called pursuant hereto votes "yes" in favor of the
591 question, then the sale of alcoholic beverages in the district
592 as provided in the petition shall be authorized. If a majority
593 of the electors votes "no," then the sale of alcoholic
594 beverages in the district shall be authorized only as provided
595 by the laws in effect for the district prior to the filing of
596 the petition, and the board of the community development
597 district shall not file another petition under this subsection
598 within 12 months of the referendum election.

599 (d) (1) In any community development district formed
600 pursuant to Section 35-8B-1(e) or (f) in which the sale of
601 alcoholic beverages has been approved pursuant to this
602 section, the board of that district may establish an
603 entertainment district within the district, which may not
604 exceed one-half mile by one-half mile in area, but may be
605 irregularly shaped.

606 (2) The Alabama Alcoholic Beverage Control Board may
607 issue an entertainment district designation to any retailer
608 licensee that is licensed to sell alcoholic beverages for
609 on-premises consumption and to any manufacturer licensee that
610 conducts tastings or samplings on the licensed premises,
611 provided the licensees are located in an entertainment
612 district established pursuant to this subsection.

613 (3) Notwithstanding any provision of law to the
614 contrary, a licensee who receives an entertainment district
615 designation under this subsection shall comply with all laws
616 and rules governing its license type, as well as the



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617 limitations specified in this section, except that patrons,
618 guests, or members of that licensee may exit that licensed
619 premises with open containers of alcoholic beverages and
620 consumer alcoholic beverages anywhere within the confines of
621 the entertainment district.

622 (4)a. For purposes of this subsection, the term
623 "on-premises" as applied to consumption within the
624 entertainment district shall include anywhere within the
625 district.

626 b. The permission granted by this subsection permitting
627 the consumption of alcoholic beverages anywhere within the
628 confines of the entertainment district shall not be construed
629 to extend the confines of the licensed premises.

630 (5) The operation of an entertainment district
631 established in a community development district pursuant to
632 this subsection shall not be affected by any future annexation
633 of that district or any part of that district into a
634 municipality.

635 (e) In addition to the limitations specified in this
636 section, with regard to a community development district
637 defined in subsections (a) and (b), alcoholic beverages shall
638 be sold only for on-premises consumption, as defined in
639 subdivision (a)(3), and in regard to a community development
640 district defined in subsection (b), alcoholic beverages shall
641 not be sold within 3,000 feet of the south right-of-way of any
642 state or federal highway adjacent to any such district."

643 Section 2. This act shall become effective on July 1,
644 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB328

Senate 30-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 07-May-24

By: Senator Waggoner