CS/HB 1123

1	A bill to be entitled
2	An act relating to unlawful sale of alcoholic
3	beverages; amending s. 562.12, F.S.; revising upward
4	the penalties associated with selling alcoholic
5	beverages without a license; providing for additional
6	criminal penalties for subsequent violations; amending
7	s. 893.138, F.S.; specifying conditions under which
8	sites that have violated the prohibition on the
9	unlawful sale of alcoholic beverages may be declared a
10	public nuisance; providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. Subsections (2) and (3) of section 562.12 ,
15	Florida Statutes, are renumbered as subsections (3) and (4),
16	respectively, subsection (1) is amended, and a new subsection
17	(2) is added to that section, to read:
18	562.12 Beverages sold with improper license, or without
19	license or registration, or held with intent to sell
20	prohibited
21	(1) It is unlawful for any person to sell alcoholic
22	beverages without a license, and it is unlawful for any licensee
23	to sell alcoholic beverages except as permitted by her or his
24	license, or to sell such beverages in any manner except that
25	permitted by her or his license; and any licensee or other
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26 person who keeps or possesses alcoholic beverages not permitted 27 to be sold by her or his license, or not permitted to be sold 28 without a license, with intent to sell or dispose of same 29 unlawfully, or who keeps and maintains a place where alcoholic 30 beverages are sold unlawfully, is guilty of a felony misdemeanor of the third second degree, punishable as provided in s. 775.082 31 32 or s. 775.083 and shall pay a fine of not less than \$5,000 and 33 not more than \$10,000. 34 (2) A person who commits a second or subsequent violation 35 of subsection (1) commits a felony of the second degree punishable as provided in s. 775.082 or s. 775.083 and shall pay 36 37 a fine of not less than \$15,000 and not more than \$20,000. Section 2. Paragraphs (f) and (g) of subsection (2) of 38 39 section 893.138, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read: 40 41 893.138 Local administrative action to abate certain activities declared public nuisances.-42 43 (2) Any place or premises that has been used: (f) On two or more occasions within a 6-month period, as 44 45 the site of a violation of chapter 499; or 46 (q) On more than two occasions within a 6-month period, as 47 the site of a violation of any combination of the following: 48 1. Section 782.04, relating to murder; 49 2. Section 782.051, relating to attempted felony murder; 3. Section 784.045(1)(a) 2., relating to aggravated battery 50

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with a deadly weapon; or
4. Section 784.021(1)(a), relating to aggravated assault
with a deadly weapon without intent to kill <u>; or</u> $ au$
(h) On more than two occasions within a 12-month period as
the site where a violation related to the unlawful sale of
alcoholic beverages under s. 562.12 occurred,
may be declared to be a public nuisance, and such nuisance may
be abated pursuant to the procedures provided in this section.
Section 3. This act shall take effect July 1, 2024.

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