

By Senator Lee

23-1050-98

See HB

1 A bill to be entitled
2 An act relating to alcohol and tobacco sales;
3 amending s. 562.11, F.S.; authorizing law
4 enforcement officers to use persons under a
5 certain age to test vendor compliance with
6 provisions restricting the sale of alcoholic
7 beverages to certain minors; amending ss.
8 569.002 and 569.101, F.S.; authorizing law
9 enforcement officers to use persons under a
10 certain age to test vendor compliance with
11 provisions restricting the sale of tobacco
12 products to certain minors; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (4) is added to section 562.11,
18 Florida Statutes, to read:

19 562.11 Selling, giving, or serving alcoholic beverages
20 to person under age 21; misrepresenting or misstating age or
21 age of another to induce licensee to serve alcoholic beverages
22 to person under 21; penalties.--

23 (4) Any law enforcement officer, as defined in s.
24 943.10(1), may use persons under the age of 21 to assist the
25 officer in enforcement efforts by testing vendor compliance
26 with the prohibitions established in this section.
27 Notwithstanding the prohibitions contained in s. 562.111, such
28 person acting on behalf of the law enforcement officer to test
29 vendor compliance with the prohibitions established in this
30 section shall be immune from civil and criminal liability

31

1 imposed by s. 562.111 while acting on behalf of the law
2 enforcement officer.

3 Section 2. Subsection (7) of section 569.002, Florida
4 Statutes, is amended to read:

5 569.002 Definitions.--As used in this chapter, the
6 term:

7 (7) "Any person under the age of 18" does not include
8 any person under the age of 18 who:

9 (a) Has had his or her disability of nonage removed
10 under chapter 743;

11 (b) Is in the military reserve or on active duty in
12 the Armed Forces of the United States;

13 (c) Is otherwise emancipated by a court of competent
14 jurisdiction and released from parental care and
15 responsibility; or

16 (d) Is acting in his or her scope of lawful employment
17 with an entity licensed under the provisions of chapter 210 or
18 this chapter. ~~or~~

19 ~~(e) Is working in conjunction with a law enforcement~~
20 ~~agency to test the compliance of dealers with this chapter.~~

21 Section 3. Subsection (4) is added to section 569.101,
22 Florida Statutes, to read:

23 569.101 Selling, delivering, bartering, furnishing, or
24 giving tobacco products to persons under 18 years of age;
25 criminal penalties; defense.--

26 (4) Any law enforcement officer, as defined in s.
27 943.10(1), may use persons under the age of 18 to assist the
28 officer in enforcement efforts by testing vendor compliance
29 with the prohibitions established in this section.

30 Notwithstanding the prohibitions contained in s. 569.11, such
31 person acting on behalf of a law enforcement officer to test

1 vendor compliance with the prohibitions established in this
2 section shall be immune from civil liability imposed by s.
3 569.11 while acting on behalf of the law enforcement officer.

4 Section 4. This act shall take effect upon becoming a
5 law.

6
7 *****

8 LEGISLATIVE SUMMARY

9
10 Provides that a law enforcement officer may use persons
11 under the age of 21 with respect to alcoholic beverages
12 and under the age of 18 with respect to tobacco products
13 to assist the law enforcement officer in enforcement
14 efforts by testing vendor compliance concerning the
15 selling, delivering, bartering, furnishing, or giving of
16 alcohol or tobacco products to minors. (See bill for
17 details.)
18
19
20
21
22
23
24
25
26
27
28
29
30
31