

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Eggelletion offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsection (2) of section 562.11, Florida Statutes, is amended to read:

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

(2) It is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any licensee or his or her agents or employees to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age, or for any person under 21 years of age to purchase or attempt to purchase alcoholic beverages.

(a) Anyone convicted of violating the provisions of this subsection is guilty of a misdemeanor of the second

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1 degree, punishable as provided in s. 775.082 or s. 775.083.

2 (b) Any person under the age of 17 years who violates
3 such provisions shall be within the jurisdiction of the judge
4 of the circuit court and shall be dealt with as a juvenile
5 delinquent according to law.

6 (c) In addition to any other penalty imposed for a
7 violation of this subsection, if a person uses a driver's
8 license or identification card issued by the Department of
9 Highway Safety and Motor Vehicles in violation of this
10 subsection, the court:

11 1. May order the person to participate in public
12 service or a community work project for a period not to exceed
13 40 hours; and

14 2. Shall direct the Department of Highway Safety and
15 Motor Vehicles to withhold issuance of, or suspend or revoke,
16 the person's driver's license or driving privilege, as
17 provided in s. 322.056.

18 Section 2. Paragraph (a) of subsection (2) of section
19 562.45, Florida Statutes, is amended to read:

20 562.45 Penalties for violating Beverage Law; local
21 ordinances; prohibiting regulation of certain activities or
22 business transactions; requiring nondiscriminatory treatment;
23 providing exceptions.--

24 (2)(a) Nothing contained in the Beverage Law shall be
25 construed to affect or impair the power or right of any county
26 or incorporated municipality of the state to enact ordinances
27 regulating the hours of business and location of place of
28 business, and prescribing sanitary regulations therefor, of
29 any licensee under the Beverage Law within the county or
30 corporate limits of such municipality. However, except for
31 premises licensed on or before July 1, 1999, and except for

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1 locations that are licensed as restaurants, which derive at
2 least 51 percent of their gross revenues from the sale of food
3 and nonalcoholic beverages, pursuant to chapter 509, a
4 location for on-premises consumption of alcoholic beverages
5 may not be located within 500 feet of the real property that
6 comprises a public or private elementary school, middle
7 school, or secondary school unless the county or municipality
8 approves the location as promoting the public health, safety,
9 and general welfare of the community under proceedings as
10 provided in s. 125.66(4), for counties, and s. 166.041(3)(c),
11 for municipalities. This restriction shall not, however, be
12 construed to prohibit the issuance of temporary permits to
13 certain nonprofit organizations as provided for in s. 561.422.
14 The division may not issue a change in the series of a license
15 or approve a change of a licensee's location unless the
16 licensee provides documentation of proper zoning from the
17 appropriate county or municipal zoning authorities.

18 Section 3. Subsection (2) of section 569.11, Florida
19 Statutes, is amended to read:

20 569.11 Possession, misrepresenting age or military
21 service to purchase, and purchase of tobacco products by
22 persons under 18 years of age prohibited; penalties;
23 jurisdiction; disposition of fines.--

24 (2) It is unlawful for any person under 18 years of
25 age to misrepresent his or her age or military service for the
26 purpose of inducing a dealer or an agent or employee of the
27 dealer to sell, give, barter, furnish, or deliver any tobacco
28 product, or to purchase, or attempt to purchase, any tobacco
29 product from a person or a vending machine. Any person under
30 18 years of age who violates a provision of this subsection
31 commits a noncriminal violation as provided in s. 775.08(3),

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1 punishable by:

2 (a) For a first violation, 16 hours of community
3 service or, instead of community service, a \$25 fine and, in
4 addition, the person must attend a school-approved
5 anti-tobacco program, if available;

6 (b) For a second violation within 12 weeks of the
7 first violation, a \$25 fine; or

8 (c) For a third or subsequent violation within 12
9 weeks of the first violation, the court must direct the
10 Department of Highway Safety and Motor Vehicles to withhold
11 issuance of or suspend or revoke the person's driver's license
12 or driving privilege, as provided in s. 322.056.

13
14 Any second or subsequent violation not within the 12-week time
15 period after the first violation is punishable as provided for
16 a first violation.

17 Section 4. This act shall take effect July 1, 1999.

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, lines 2-10,
23 remove from the title of the bill: all of said lines

24

25 and insert in lieu thereof:

26 An act relating to the prevention of the sale
27 of alcohol and tobacco products to minors;
28 amending s. 562.11, F.S., relating to the
29 purchase of alcohol by minors; amending s.
30 562.45, F.S.; providing restrictions on
31 locations for on-premises consumption of

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1 alcoholic beverages; providing an exception for
2 certain temporary permits; amending s. 569.11,
3 F.S., relating to the purchase of tobacco
4 products by minors; providing an effective
5 date.
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