

1 A bill to be entitled
2 An act relating to the prevention of the sale
3 of alcohol and tobacco products to minors;
4 amending s. 562.11, F.S., relating to the
5 purchase of alcohol by minors; amending s.
6 562.45, F.S.; providing restrictions on
7 locations for on-premises consumption of
8 alcoholic beverages; providing an exception for
9 certain temporary permits; amending s. 569.11,
10 F.S., relating to the purchase of tobacco
11 products by minors; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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

18 562.11 Selling, giving, or serving alcoholic beverages
19 to person under age 21; misrepresenting or misstating age or
20 age of another to induce licensee to serve alcoholic beverages
21 to person under 21; penalties.--

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

29 (a) Anyone convicted of violating the provisions of
30 this subsection is guilty of a misdemeanor of the second
31 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

19 562.45 Penalties for violating Beverage Law; local
20 ordinances; prohibiting regulation of certain activities or
21 business transactions; requiring nondiscriminatory treatment;
22 providing exceptions.--

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

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

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

19 569.11 Possession, misrepresenting age or military
20 service to purchase, and purchase of tobacco products by
21 persons under 18 years of age prohibited; penalties;
22 jurisdiction; disposition of fines.--

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

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

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

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

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

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