



CHAMBER ACTION

The Committee on Business Regulation recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Beverage Law; amending s. 561.19, F.S.; providing procedures for issuance of a license that becomes available because of a revocation; amending s. 561.422, F.S.; revising requirements for issuance of a temporary permit to certain civic organizations; requiring presentation of building and zoning permit; requiring net profits be retained by the civic organization; amending s. 561.65, F.S.; revising procedures for enforcement of a lien against certain revoked or suspended licenses; prohibiting reissuance of such license for a certain time period or until enforcement is final; amending s. 562.11, F.S.; providing a popular name; prohibiting the service of alcoholic beverages to any minor employed by a licensed vendor; providing a penalty; reenacting s. 561.706(3), F.S., for the purpose of incorporating the amendment to s. 562.11, F.S., in a reference thereto; providing an effective date.



HB 1377

2003  
CS

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Paragraph (a) of subsection (2) of section  
32 561.19, Florida Statutes, is amended to read:

33 561.19 License issuance upon approval of division.--

34 (2)(a) When beverage licenses become available by reason  
35 of an increase in the population of a county, ~~or~~ by reason of a  
36 county permitting the sale of intoxicating beverages when such  
37 sale had been prohibited, or by reason of revocation of a quota  
38 license occurring after July 1, 2003, the division, if there are  
39 more applicants than the number of available licenses, shall  
40 provide a method of double random selection by public drawing to  
41 determine which applicants shall be considered for issuance of  
42 licenses. The double random selection drawing method shall allow  
43 each applicant whose application is complete and does not  
44 disclose on its face any matter rendering the applicant  
45 ineligible an equal opportunity of obtaining an available  
46 license. After all applications are filed with the director, the  
47 director shall then determine by random selection drawing the  
48 order in which each applicant's name shall be matched with a  
49 number selected by random drawing, and that number shall  
50 determine the order in which the applicant will be considered  
51 for a license.

52 Section 2. Section 561.422, Florida Statutes, is amended  
53 to read:

54 561.422 Nonprofit civic organizations; temporary  
55 permits.--Upon the filing of an application, presentation of a  
56 local building and zoning permit, and payment of a fee of \$25



HB 1377

2003  
CS

57 | per permit, the director of the division may issue a permit  
58 | authorizing a bona fide nonprofit civic organization to sell  
59 | alcoholic beverages for consumption on the premises only, for a  
60 | period not to exceed 3 days, subject to any state law or  
61 | municipal or county ordinance regulating the time for selling  
62 | such beverages. All net profits from sales of alcoholic  
63 | beverages collected during the permit period must be retained by  
64 | the nonprofit civic organization. Any such civic organization  
65 | may be issued only three such permits per calendar year.  
66 | Notwithstanding other provisions of the Beverage Law, any civic  
67 | organization licensed under this section may purchase alcoholic  
68 | beverages from a distributor or vendor licensed under the  
69 | Beverage Law.

70 | Section 3. Subsection (1) of section 561.65, Florida  
71 | Statutes, is amended to read:

72 | 561.65 Mortgagee's interest in license.--

73 | (1) Any person holding a bona fide mortgage or lien or  
74 | security interest in a spirituous alcoholic beverage license in  
75 | this state shall have the right to enforcement of a lien against  
76 | that license within 180 ~~12~~ days after any order of revocation or  
77 | suspension by an administrative officer or department of the  
78 | government for a cause or causes of which the lienholder did not  
79 | have knowledge or in which he or she did not participate. The  
80 | division is required to notify any lienholder properly filing  
81 | pursuant to subsection (4) of a pending revocation or  
82 | suspension. No revoked quota beverage license encumbered by a  
83 | lien or security interest, perfected in accordance with this  
84 | section, shall be issued in accordance with s. 561.19(2) until



HB 1377

2003  
CS

85 the 180-day period has elapsed or until such enforcement  
86 proceeding is final. Liens or security interests in spirituous  
87 alcoholic beverage licenses existing prior to July 1, 1981,  
88 shall not be affected by the provisions of this section.

89 Section 4. Subsection (1) of section 562.11, Florida  
90 Statutes, is amended to read:

91 562.11 Selling, giving, or serving alcoholic beverages to  
92 person under age 21; employee under age 21; misrepresenting or  
93 misstating age or age of another to induce licensee to serve  
94 alcoholic beverages to person under 21; penalties.--

95 (1)(a) It is unlawful for any person to sell, give, serve,  
96 or permit to be served alcoholic beverages to a person under 21  
97 years of age or to permit a person under 21 years of age to  
98 consume such beverages on the licensed premises. Anyone  
99 convicted of violation of the provisions hereof is guilty of a  
100 misdemeanor of the second degree, punishable as provided in s.  
101 775.082 or s. 775.083.

102 (b)1. Popular name.--This paragraph shall be known as the  
103 "Christopher Fugate Act."

104 2. Employee under age 21; prohibition.--A licensee or his  
105 or her or its agents, officers, servants, or employees may not  
106 provide alcoholic beverages to a person younger than 21 years of  
107 age who is employed by the licensee, except as authorized  
108 pursuant to s. 562.111 or s. 562.13, and may not permit a person  
109 younger than 21 years of age who is employed by the licensee to  
110 consume alcoholic beverages on the licensed premises or  
111 elsewhere while in the scope of employment.



HB 1377

2003  
CS

112 3. Penalty.--A licensee or his or her or its agent,  
113 officer, servant, or employee who violates this paragraph  
114 commits a misdemeanor of the first degree, punishable as  
115 provided in s. 775.082 or s. 775.083.

116 (c)~~(b)~~ A licensee who violates paragraph (a) shall have a  
117 complete defense to any civil action therefor, except for any  
118 administrative action by the division under the Beverage Law,  
119 if, at the time the alcoholic beverage was sold, given, served,  
120 or permitted to be served, the person falsely evidenced that he  
121 or she was of legal age to purchase or consume the alcoholic  
122 beverage and the appearance of the person was such that an  
123 ordinarily prudent person would believe him or her to be of  
124 legal age to purchase or consume the alcoholic beverage and if  
125 the licensee carefully checked one of the following forms of  
126 identification with respect to the person: a driver's license,  
127 an identification card issued under the provisions of s. 322.051  
128 or, if the person is physically handicapped as defined in s.  
129 553.45(1), a comparable identification card issued by another  
130 state which indicates the person's age, a passport, or a United  
131 States Uniformed Services identification card, and acted in good  
132 faith and in reliance upon the representation and appearance of  
133 the person in the belief that he or she was of legal age to  
134 purchase or consume the alcoholic beverage. Nothing herein shall  
135 negate any cause of action which arose prior to June 2, 1978.

136 Section 5. For the purpose of incorporating the amendment  
137 to section 562.11, Florida Statutes, in a reference thereto,  
138 subsection (3) of section 561.706, Florida Statutes, is  
139 reenacted to read:



HB 1377

2003  
CS

140           561.706 Exemption from license suspension or revocation;  
141 mitigation for certain beverage law violations; records of  
142 arrests.--

143           (3) The division shall maintain a record of each arrest of  
144 a vendor or an employee for a violation of s. 562.11, and shall  
145 ascertain at the time of the arrest whether the vendor has  
146 provided training for its employees as provided in s. 561.705 or  
147 pursuant to any other program instituted by the vendor. In  
148 compiling the record of arrests, the division shall determine if  
149 the vendor trained its employees as provided in s. 561.705,  
150 pursuant to any other training program, or did not train its  
151 employees in a manner similar to the provisions of s. 561.705.  
152 The records may be examined by any interested person.

153           Section 6. This act shall take effect July 1, 2003.