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2 An act relating to the Beverage Law; amending  
3 s. 561.19, F.S.; providing procedures for  
4 issuance of a license that becomes available  
5 because of a revocation; amending s. 561.422,  
6 F.S.; revising requirements for issuance of a  
7 temporary permit to certain civic  
8 organizations; requiring presentation of  
9 building and zoning permit; requiring net  
10 profits to be retained by the civic  
11 organization; amending s. 561.65, F.S.;  
12 providing procedures for enforcement of a  
13 perfected security interest in a quota license  
14 prior to reissuance of the quota license;  
15 amending s. 562.11, F.S.; providing a popular  
16 name; prohibiting the service of alcoholic  
17 beverages to any minor employed by a licensed  
18 vendor; providing a penalty; reenacting s.  
19 561.706, F.S., for the purpose of incorporating  
20 the amendment to s. 562.11, F.S., in reference  
21 thereto; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Paragraph (a) of subsection (2) of section  
26 561.19, Florida Statutes, is amended to read:

27 561.19 License issuance upon approval of division.--

28 (2)(a) When beverage licenses become available by  
29 reason of an increase in the population of a county, or by  
30 reason of a county permitting the sale of intoxicating  
31 beverages when such sale had been prohibited, or by reason of

1 the revocation of a quota beverage license,the division, if  
2 there are more applicants than the number of available  
3 licenses, shall provide a method of double random selection by  
4 public drawing to determine which applicants shall be  
5 considered for issuance of licenses. The double random  
6 selection drawing method shall allow each applicant whose  
7 application is complete and does not disclose on its face any  
8 matter rendering the applicant ineligible an equal opportunity  
9 of obtaining an available license. After all applications are  
10 filed with the director, the director shall then determine by  
11 random selection drawing the order in which each applicant's  
12 name shall be matched with a number selected by random  
13 drawing, and that number shall determine the order in which  
14 the applicant will be considered for a license. This paragraph  
15 does not prohibit a person holding a perfected lien or  
16 security interest in a quota alcoholic beverage license, in  
17 accordance with s. 561.65, from enforcing the lien or security  
18 interest against the license within 180 days after a final  
19 order of revocation or suspension. A revoked quota alcoholic  
20 beverage license encumbered by a lien or security interest,  
21 perfected pursuant to s. 561.65, may not be issued under this  
22 subsection until the 180-day period has elapsed or until such  
23 enforcement proceeding is final.

24 Section 2. Section 561.422, Florida Statutes, is  
25 amended to read:

26 561.422 Nonprofit civic organizations; temporary  
27 permits.--Upon the filing of an application, presentation of a  
28 local building and zoning permit,and payment of a fee of \$25  
29 per permit, the director of the division may issue a permit  
30 authorizing a bona fide nonprofit civic organization to sell  
31 alcoholic beverages for consumption on the premises only, for

1 a period not to exceed 3 days, subject to any state law or  
2 municipal or county ordinance regulating the time for selling  
3 such beverages. All net profits from sales of alcoholic  
4 beverages collected during the permit period must be retained  
5 by the nonprofit civic organization. Any such civic  
6 organization may be issued only three such permits per  
7 calendar year. Notwithstanding other provisions of the  
8 Beverage Law, any civic organization licensed under this  
9 section may purchase alcoholic beverages from a distributor or  
10 vendor licensed under the Beverage Law.

11 Section 3. Subsections (1) and (3) of section 561.65,  
12 Florida Statutes, are amended to read:

13 561.65 Mortgagee's interest in license.--

14 (1) Any person holding a bona fide mortgage or lien or  
15 security interest in a spirituous alcoholic beverage license  
16 in this state shall have the right to enforcement of a lien  
17 against that license within 180 ~~12~~ days after any order of  
18 revocation or suspension by an administrative officer or  
19 department of the government for a cause or causes of which  
20 the lienholder did not have knowledge or in which he or she  
21 did not participate. The division is required to notify any  
22 lienholder properly filing pursuant to subsection (4) of a  
23 pending revocation or suspension. No revoked quota beverage  
24 license encumbered by a lien or security interest perfected in  
25 accordance with this section shall be issued in accordance  
26 with s. 561.19(2) until the 180-day period has elapsed or  
27 until such enforcement proceeding is final. Liens or security  
28 interests in spirituous alcoholic beverage licenses existing  
29 prior to July 1, 1981, shall not be affected by the provisions  
30 of this section.

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1           (3) If any such bona fide mortgagee or lienholder  
2 serves notice in writing on the division of the extension of  
3 such lien and accompanies that notice with the payment of the  
4 fee set forth in subsection (4) to the division, which money  
5 shall be used by the division to defray the costs of providing  
6 this service, then such lienholder shall be notified in  
7 writing of the filing of an order to show cause as to why the  
8 license should not be suspended and revoked; and also the  
9 lienholder shall be furnished a copy of any order of  
10 suspension or revocation. In this event, the 180 ~~12~~ days  
11 within which to file for the enforcement of the lien by the  
12 lienholder shall commence running from the date of the mailing  
13 of the copy of the order of revocation or suspension.

14           Section 4. Section 562.11, Florida Statutes, is  
15 amended to read:

16           562.11 Selling, giving, or serving alcoholic beverages  
17 to person under age 21; providing a proper name;  
18 misrepresenting or misstating age or age of another to induce  
19 licensee to serve alcoholic beverages to person under 21;  
20 penalties.--

21           (1)(a) It is unlawful for any person to sell, give,  
22 serve, or permit to be served alcoholic beverages to a person  
23 under 21 years of age or to permit a person under 21 years of  
24 age to consume such beverages on the licensed premises.  
25 Anyone convicted of violation of the provisions hereof is  
26 guilty of a misdemeanor of the second degree, punishable as  
27 provided in s. 775.082 or s. 775.083.

28           (b) A licensee or his or her or its agents, officers,  
29 servants, or employees, may not provide alcoholic beverages to  
30 a person younger than 21 years of age who is employed by the  
31 licensee except as authorized pursuant to s. 562.111 or s.

1 562.13, and may not permit a person younger than 21 years of  
2 age who is employed by the licensee to consume alcoholic  
3 beverages on the licensed premises or elsewhere while in the  
4 scope of employment. A licensee, or his or her or its agents,  
5 officers, servants, or employees, who violates this paragraph  
6 commits a misdemeanor of the first degree, punishable as  
7 provided in s. 775.082 or s. 775.083. This paragraph may be  
8 cited as "the Christopher Fugate Act."

9 (c)~~(b)~~ A licensee who violates paragraph (a) shall  
10 have a complete defense to any civil action therefor, except  
11 for any administrative action by the division under the  
12 Beverage Law, if, at the time the alcoholic beverage was sold,  
13 given, served, or permitted to be served, the person falsely  
14 evidenced that he or she was of legal age to purchase or  
15 consume the alcoholic beverage and the appearance of the  
16 person was such that an ordinarily prudent person would  
17 believe him or her to be of legal age to purchase or consume  
18 the alcoholic beverage and if the licensee carefully checked  
19 one of the following forms of identification with respect to  
20 the person: a driver's license, an identification card issued  
21 under the provisions of s. 322.051 or, if the person is  
22 physically handicapped as defined in s. 553.45(1), a  
23 comparable identification card issued by another state which  
24 indicates the person's age, a passport, or a United States  
25 Uniformed Services identification card, and acted in good  
26 faith and in reliance upon the representation and appearance  
27 of the person in the belief that he or she was of legal age to  
28 purchase or consume the alcoholic beverage. Nothing herein  
29 shall negate any cause of action which arose prior to June 2,  
30 1978.

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

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

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

15           (c) In addition to any other penalty imposed for a  
16 violation of this subsection, if a person uses a driver's  
17 license or identification card issued by the Department of  
18 Highway Safety and Motor Vehicles in violation of this  
19 subsection, the court:

20           1. May order the person to participate in public  
21 service or a community work project for a period not to exceed  
22 40 hours; and

23           2. Shall direct the Department of Highway Safety and  
24 Motor Vehicles to withhold issuance of, or suspend or revoke,  
25 the person's driver's license or driving privilege, as  
26 provided in s. 322.056.

27           (3) Any person under the age of 21 years testifying in  
28 any criminal prosecution or in any hearing before the division  
29 involving the violation by any other person of the provisions  
30 of this section may, at the discretion of the prosecuting  
31 officer, be given full and complete immunity from prosecution

1 for any violation of law revealed in such testimony that may  
2 be or may tend to be self-incriminating, and any such person  
3 under 21 years of age so testifying, whether under subpoena or  
4 otherwise, shall be compelled to give any such testimony in  
5 such prosecution or hearing for which immunity from  
6 prosecution therefor is given.

7           (4) This section does not apply to a person who gives,  
8 serves, or permits to be served an alcoholic beverage to a  
9 student who is at least 18 years of age, if the alcoholic  
10 beverage is delivered as part of the student's required  
11 curriculum at a postsecondary educational institution that is  
12 institutionally accredited by an agency recognized by the  
13 United States Department of Education and is licensed or  
14 exempt from licensure pursuant to the provisions of chapter  
15 1005 or that is a public postsecondary education institution;  
16 if the student is enrolled in the college and is required to  
17 taste alcoholic beverages that are provided only for  
18 instructional purposes during classes conducted under the  
19 supervision of authorized instructional personnel pursuant to  
20 such a curriculum; if the alcoholic beverages are never  
21 offered for consumption or imbibed by such a student and at  
22 all times remain in the possession and control of such  
23 instructional personnel, who must be 21 years of age or older;  
24 and if each participating student executes a waiver and  
25 consent in favor of the state and indemnifies the state and  
26 holds it harmless.

27           Section 5. For purposes of incorporating the amendment  
28 to section 562.11, Florida Statutes, in a reference thereto,  
29 subsection (3) of section 561.706, Florida Statutes, is  
30 reenacted to read:

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1           561.706 Exemption from license suspension or  
2 revocation; mitigation for certain beverage law violations;  
3 records of arrests.--

4           (3) The division shall maintain a record of each  
5 arrest of a vendor or an employee for a violation of s.  
6 562.11, and shall ascertain at the time of the arrest whether  
7 the vendor has provided training for its employees as provided  
8 in s. 561.705 or pursuant to any other program instituted by  
9 the vendor. In compiling the record of arrests, the division  
10 shall determine if the vendor trained its employees as  
11 provided in s. 561.705, pursuant to any other training  
12 program, or did not train its employees in a manner similar to  
13 the provisions of s. 561.705. The records may be examined by  
14 any interested person.

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

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