

By Senator Smith

14-252-03

1 A bill to be entitled
2 An act relating to alcoholic beverages;
3 amending s. 562.11, F.S.; prohibiting a person
4 licensed under the Beverage Law from providing
5 alcoholic beverages to an underage employee;
6 prohibiting the licensee from permitting an
7 underage employee from consuming alcoholic
8 beverages on the licensed premises; providing a
9 penalty; reenacting s. 561.706(3), F.S.,
10 relating to records of arrests of vendors or
11 employees for certain violations of the
12 Beverage Law, to incorporate the amendment to
13 s. 562.11, F. S., in a reference thereto;
14 providing an effective date.

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

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

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

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

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1 (b) A licensee may not provide alcoholic beverages to
2 a person younger than 21 years of age who is employed by the
3 licensee and may not permit a person younger than 21 years of
4 age who is employed by the licensee to consume alcoholic
5 beverages on the licensed premises. A licensee who violates
6 this paragraph commits a misdemeanor of the first degree,
7 punishable as provided in s. 775.082 or s. 775.083.

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

30 Section 2. For the purpose of incorporating the
31 amendment to section 562.11, Florida Statutes, in a reference

1 thereto, subsection (3) of section 561.706, Florida Statutes,
2 is reenacted to read:

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

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

17 Section 3. This act shall take effect July 1, 2003.

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SENATE SUMMARY

21 Provides that it is a first-degree misdemeanor for a
22 vendor licensed under the Beverage Law to provide
23 alcoholic beverages to an underage person employed by the
licensee or to permit an underage employee from consuming
alcoholic beverages on the licensed premises.

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