

By the Committee on Regulated Industries; and Senator Smith

315-1836-03

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

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

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

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

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

1 (b) A licensee or his or her or its agents, officers,
2 servants, or employees, may not provide alcoholic beverages to
3 a person younger than 21 years of age who is employed by the
4 licensee, except as authorized pursuant to s. 562.111 or s.
5 562.13, and may not permit a person younger than 21 years of
6 age who is employed by the licensee to consume alcoholic
7 beverages on the licensed premises or elsewhere while in the
8 scope of employment. A licensee or his or her or its agents,
9 officers, servants, or employees who violates this paragraph
10 commits a misdemeanor of the first degree, punishable as
11 provided in s. 775.082 or s. 775.083.

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

1 shall negate any cause of action which arose prior to June 2,
2 1978.

3 Section 2. For the purpose of incorporating the
4 amendment to section 562.11, Florida Statutes, in a reference
5 thereto, subsection (3) of section 561.706, Florida Statutes,
6 is reenacted to read:

7 561.706 Exemption from license suspension or
8 revocation; mitigation for certain beverage law violations;
9 records of arrests.--

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

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

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23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 326

26 The Committee Substitute provides that agents, officers,
27 servants and employees of the licensee, as well as the
licensee are covered by the provisions of the bill.

28 It also provides that an employee younger than 21 years of age
29 may be provided alcoholic beverages as authorized pursuant to
ss. 562.111 or 562.13, F.S.

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