

By the Committees on Judiciary; Regulated Industries; and
Senator Smith

308-2384-03

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 procedures for issuance of a license
16 that becomes available because of a revocation;
17 providing an effective date.

18

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

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

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

27 (1)(a) It is unlawful for any person to sell, give,
28 serve, or permit to be served alcoholic beverages to a person
29 under 21 years of age or to permit a person under 21 years of
30 age to consume such beverages on the licensed premises.
31 Anyone convicted of violation of the provisions hereof is

1 guilty of a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

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

14 (c)~~(b)~~ A licensee who violates paragraph (a) shall
15 have a complete defense to any civil action therefor, except
16 for any administrative action by the division under the
17 Beverage Law, if, at the time the alcoholic beverage was sold,
18 given, served, or permitted to be served, the person falsely
19 evidenced that he or she was of legal age to purchase or
20 consume the alcoholic beverage and the appearance of the
21 person was such that an ordinarily prudent person would
22 believe him or her to be of legal age to purchase or consume
23 the alcoholic beverage and if the licensee carefully checked
24 one of the following forms of identification with respect to
25 the person: a driver's license, an identification card issued
26 under the provisions of s. 322.051 or, if the person is
27 physically handicapped as defined in s. 553.45(1), a
28 comparable identification card issued by another state which
29 indicates the person's age, a passport, or a United States
30 Uniformed Services identification card, and acted in good
31 faith and in reliance upon the representation and appearance

1 of the person in the belief that he or she was of legal age to
2 purchase or consume the alcoholic beverage. Nothing herein
3 shall negate any cause of action which arose prior to June 2,
4 1978.

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

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

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

23 Section 3. Paragraph (a) of subsection (2) of section
24 561.19, Florida Statutes, is amended to read:

25 561.19 License issuance upon approval of division.--

26 (2)(a) When beverage licenses become available by
27 reason of an increase in the population of a county or by
28 reason of a county permitting the sale of intoxicating
29 beverages when such sale had been prohibited, or by reason of
30 revocation of a quota license occurring after July 1, 2003,
31 the division, if there are more applicants than the number of

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

23 Section 4. This act shall take effect July 1, 2003.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 Senate Bill CS/326

28 Provides that a beverage quota license may be made available
29 for public drawing under the Florida Beverage Law by reason of
30 the revocation of the quota license.
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