

By Senator Lynn

7-780-04

See HB

1 A bill to be entitled
2 An act relating to consumption of alcohol;
3 amending s. 562.111, F.S.; providing that it is
4 a crime for a person under 21 years of age to
5 consume alcohol; providing penalties; providing
6 for the use of certain tests as evidence of a
7 violation; reenacting ss. 322.056(1) and
8 397.951(2)(i), F.S., for the purpose of
9 incorporating the amendment to s. 562.111,
10 F.S., in references thereto; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 562.111, Florida Statutes, is
16 amended to read:

17 562.111 Possession and consumption of alcoholic
18 beverages by persons under age 21 prohibited.--

19 (1) It is unlawful for any person under the age of 21
20 years, except a person employed under the provisions of s.
21 562.13 acting in the scope of her or his employment, to have
22 in her or his possession alcoholic beverages, except that
23 nothing contained in this subsection shall preclude the
24 employment of any person 18 years of age or older in the sale,
25 preparation, or service of alcoholic beverages in licensed
26 premises in any establishment licensed by the Division of
27 Alcoholic Beverages and Tobacco or the Division of Hotels and
28 Restaurants. Notwithstanding the provisions of s. 562.45, any
29 person under the age of 21 who is convicted of a violation of
30 this subsection is guilty of a misdemeanor of the second
31 degree, punishable as provided in s. 775.082 or s. 775.083;

1 | however, any person under the age of 21 who has been convicted
2 | of a violation of this subsection and who is thereafter
3 | convicted of a further violation of this subsection is, upon
4 | conviction of the further offense, guilty of a misdemeanor of
5 | the first degree, punishable as provided in s. 775.082 or s.
6 | 775.083.

7 | (2) Except as provided in subsection (3), it is
8 | unlawful for any person under the age of 21 years to consume
9 | alcoholic beverages. Any person under the age of 21 who is
10 | convicted of a violation of this subsection is guilty of a
11 | misdemeanor of the second degree, punishable as provided in s.
12 | 775.082 or s. 775.083; however, any person under the age of 21
13 | who has been convicted of a violation of this subsection and
14 | who is thereafter convicted of a further violation of this
15 | subsection is, upon conviction of the further offense, guilty
16 | of a misdemeanor of the first degree, punishable as provided
17 | in s. 775.082 or s. 775.083. A test establishing that the
18 | person had a breath-alcohol level of 0.02 grams of alcohol per
19 | 210 liters of breath or higher or a blood-alcohol level of
20 | 0.02 grams of alcohol per 100 milliliters of blood or higher
21 | may be used as evidence of consumption.

22 | ~~(3)~~~~(2)~~ The prohibition in this section against the
23 | possession of alcoholic beverages does not apply to the
24 | tasting of alcoholic beverages by a student who is at least 18
25 | years of age, who is tasting the alcoholic beverages as part
26 | of the student's required curriculum at a postsecondary
27 | educational institution that is institutionally accredited by
28 | an agency recognized by the United States Department of
29 | Education and that is licensed or exempt from licensure
30 | pursuant to the provisions of chapter 1005 or is a public
31 | postsecondary education institution; if the student is

1 enrolled in the college and is tasting the alcoholic beverages
2 only for instructional purposes during classes that are part
3 of such a curriculum; if the student is allowed only to taste,
4 but not consume or imbibe, the alcoholic beverages; and if the
5 alcoholic beverages at all times remain in the possession and
6 control of authorized instructional personnel of the college
7 who are 21 years of age or older.

8 (4)~~(3)~~ In addition to any other penalty imposed for a
9 violation of subsection (1), the court shall direct the
10 Department of Highway Safety and Motor Vehicles to withhold
11 issuance of, or suspend or revoke, the violator's driver's
12 license or driving privilege, as provided in s. 322.056.

13 Section 2. For the purpose of incorporating the
14 amendment to section 562.111, Florida Statutes, in a reference
15 thereto, subsection (1) of section 322.056, Florida Statutes,
16 is reenacted to read:

17 322.056 Mandatory revocation or suspension of, or
18 delay of eligibility for, driver's license for persons under
19 age 18 found guilty of certain alcohol, drug, or tobacco
20 offenses; prohibition.--

21 (1) Notwithstanding the provisions of s. 322.055, if a
22 person under 18 years of age is found guilty of or delinquent
23 for a violation of s. 562.11(2), s. 562.111, or chapter 893,
24 and:

25 (a) The person is eligible by reason of age for a
26 driver's license or driving privilege, the court shall direct
27 the department to revoke or to withhold issuance of his or her
28 driver's license or driving privilege for a period of:

29 1. Not less than 6 months and not more than 1 year for
30 the first violation.

31 2. Two years, for a subsequent violation.

1 (b) The person's driver's license or driving privilege
2 is under suspension or revocation for any reason, the court
3 shall direct the department to extend the period of suspension
4 or revocation by an additional period of:

5 1. Not less than 6 months and not more than 1 year for
6 the first violation.

7 2. Two years, for a subsequent violation.

8 (c) The person is ineligible by reason of age for a
9 driver's license or driving privilege, the court shall direct
10 the department to withhold issuance of his or her driver's
11 license or driving privilege for a period of:

12 1. Not less than 6 months and not more than 1 year
13 after the date on which he or she would otherwise have become
14 eligible, for the first violation.

15 2. Two years after the date on which he or she would
16 otherwise have become eligible, for a subsequent violation.

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18 However, the court may, in its sound discretion, direct the
19 department to issue a license for driving privileges
20 restricted to business or employment purposes only, as defined
21 in s. 322.271, if the person is otherwise qualified for such a
22 license.

23 Section 3. For the purpose of incorporating the
24 amendment to section 562.111, Florida Statutes, in a reference
25 thereto, paragraph (i) of subsection (2) of section 397.951,
26 Florida Statutes, is reenacted to read:

27 397.951 Treatment and sanctions.--The Legislature
28 recognizes that the integration of treatment and sanctions
29 greatly increases the effectiveness of substance abuse
30 treatment. It is the responsibility of the department and the
31 substance abuse treatment provider to employ the full measure

1 of sanctions available to require participation and completion
2 of treatment to ensure successful outcomes for children in
3 substance abuse treatment.

4 (2) The department shall ensure that substance abuse
5 treatment providers employ any and all appropriate available
6 sanctions necessary to engage, motivate, and maintain a child
7 in treatment, including, but not limited to, provisions in law
8 that:

9 (i) Provide that, pursuant to s. 322.056, for any
10 person under 18 years of age who is found guilty of or
11 delinquent for a violation of s. 562.11(2), s. 562.111, or
12 chapter 893, and is eligible by reason of age for a driver's
13 license or driving privilege, the court shall direct the
14 Department of Highway Safety and Motor Vehicles to revoke or
15 to withhold issuance of his or her driver's license or driving
16 privilege for a period of:

17 1. Not less than 6 months and not more than 1 year for
18 the first violation.

19 2. Two years, for a subsequent violation.

20 Section 4. This act shall take effect upon becoming a
21 law.

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