

CHAMBER ACTION

1 The Judiciary Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to driver's licenses; amending s. 562.11,
7 F.S.; providing an additional penalty for providing
8 alcoholic beverages to a person who has not attained 21
9 years of age; creating s. 322.057, F.S.; requiring a court
10 to order the Department of Highway Safety and Motor
11 Vehicles to withhold the issuance of, or suspend or
12 revoke, the driver's license of certain persons who
13 provide alcoholic beverages to a person who has not
14 attained 21 years of age; providing for exceptions;
15 providing an effective date.

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

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

21 562.11 Selling, giving, or serving alcoholic beverages to
22 person under age 21; providing a proper name; misrepresenting or

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23 | misstating age or age of another to induce licensee to serve
24 | alcoholic beverages to person under 21; penalties.--

25 | (1)(a)1. 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. A person
29 | who violates this subparagraph commits ~~Anyone convicted of~~
30 | ~~violation of the provisions hereof is guilty of~~ a misdemeanor of
31 | the second degree, punishable as provided in s. 775.082 or s.
32 | 775.083.

33 | 2. In addition to any other penalty imposed for a
34 | violation of subparagraph 1., the court shall order the
35 | Department of Highway Safety and Motor Vehicles to withhold the
36 | issuance of, or suspend or revoke, the driver's license or
37 | driving privilege, as provided in s. 322.057, of any person who
38 | violates subparagraph 1., other than a licensee under this
39 | chapter or an employee or agent of a licensee under this
40 | chapter.

41 | Section 2. Section 322.057, Florida Statutes, is created
42 | to read:

43 | 322.057 Mandatory revocation or suspension of driver's
44 | license for certain persons who provide alcohol to persons under
45 | 21 years of age.--

46 | (1) Notwithstanding s. 322.28, the court shall order the
47 | department to withhold the issuance of, or suspend or revoke,
48 | the driver's license of a person 21 years of age or older, other
49 | than a licensee under chapter 561 or an employee or agent of a
50 | licensee under chapter 561, who is found guilty of a violation

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51 of s. 562.11(1)(a), for not less than 3 months or more than 6
52 months for a violation and 1 year for any subsequent violation.

53 (2) The court may direct the department to issue a
54 driver's license restricted to business or employment purposes
55 only, as provided in s. 322.271, to a person who is otherwise
56 qualified for a license.

57 Section 3. This act shall take effect July 1, 2006.