

By the Committee on Regulated Industries; and Senator King

580-1734-06

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A bill to be entitled

An act relating to driver's licenses; amending s. 562.11, F.S.; providing an additional penalty for providing alcoholic beverages to a person under the age of 21; creating s. 322.057, F.S.; requiring a court to withhold to issuance of, or suspend or revoke, the driver's license of certain persons who provide alcoholic beverages to persons under the age of 21; providing an effective date.

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

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

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.--

(1)(a)1. It is unlawful for any person to sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume such beverages on the licensed premises. A person who violates this subparagraph commits ~~Anyone convicted of violation of the provisions hereof is guilty of a~~ misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. In addition to any other penalty imposed for a violation of subparagraph 1., the court shall order the Department of Highway Safety and Motor Vehicles to withhold

1 the issuance of, or suspend or revoke, the driver's license or
2 driving privilege, as provided in s. 322.057, of any person
3 who violates subparagraph 1. This subparagraph does not apply
4 to a licensee who violates subparagraph 1. while acting within
5 the scope of his or her license or an employee or agent of a
6 licensee who violates subparagraph 1. while engaged within the
7 scope of his or her employment or agency.

8 Section 2. Section 322.057, Florida Statutes, is
9 created to read:

10 322.057 Mandatory revocation or suspension of driver's
11 license for certain persons who provide alcohol to persons
12 under 21 years of age.--

13 (1) Notwithstanding s. 322.28, the court shall order
14 the department to withhold the issuance of, or suspend or
15 revoke, the driver's license of a person who is found guilty
16 of a violation of s. 562.11(1)(a) for not less than 3 months
17 or more than 6 months for a first violation and for 1 year for
18 any subsequent violation. This subsection does not apply to a
19 licensee who violates s. 562.11(1)(a) while acting within the
20 scope of his or her license or an employee or agent of a
21 licensee who violates s. 562.11(1)(a) while engaged within the
22 scope of his or her employment or agency.

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

27 Section 3. This act shall take effect October 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1322

The CS amends ss. 562.11(1)(a)2., F.S., and 322.057, F.S., to provide that these provisions do not apply to a licensee who violates subparagraph 1. while acting within the scope of his or her license or an employee or agent of a licensee who violates subparagraph 1. while engaged within the scope of his or her employment or agency.

The CS amends s. 322.057, F.S., to delete the provision that limits the application of the penalties to persons who are 21 years of age or older. It also adds the conjunction "or" to correct a technical deficiency due to the omission of that conjunction.

The CS changes the effective date to October 1, 2006.