

By Senator Posey

24-408-07

1                                   A bill to be entitled  
2           An act relating to alcoholic beverages;  
3           amending s. 768.125, F.S.; providing that the  
4           failure of a person to check an identification  
5           document of a person to whom an alcoholic  
6           beverage is served before serving the alcoholic  
7           beverage creates a rebuttable presumption that  
8           the person willfully and unlawfully sold or  
9           furnished an alcoholic beverage to a person who  
10          is not of lawful drinking age; defining the  
11          term "identification document"; providing an  
12          effective date.

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

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16           Section 1. Section 768.125, Florida Statutes, is  
17 amended to read:

18           768.125 Liability for injury or damage resulting from  
19 intoxication.--

20           (1) A person who sells or furnishes alcoholic  
21 beverages to a person of lawful drinking age shall not thereby  
22 become liable for injury or damage caused by or resulting from  
23 the intoxication of such person, except that a person who  
24 willfully and unlawfully sells or furnishes alcoholic  
25 beverages to a person who is not of lawful drinking age or who  
26 knowingly serves a person habitually addicted to the use of  
27 any or all alcoholic beverages may become liable for injury or  
28 damage caused by or resulting from the intoxication of such  
29 minor or person.

30           (2)(a) The failure of a person to check an  
31 identification document of a person to whom an alcoholic

1 beverage is served before serving the alcoholic beverage to  
2 that person creates a rebuttable presumption that the person  
3 willfully and unlawfully sold or furnished an alcoholic  
4 beverage to a person who is not of lawful drinking age.

5 (b) As used in this subsection, the term  
6 "identification document" includes a driver's license, an  
7 identification card issued under s. 322.051, a comparable  
8 identification card issued by another state or political  
9 subdivision which indicates the person's age, a passport, a  
10 United States Uniformed Services identification card, or other  
11 document issued for the purpose of indicating a person's true  
12 name and age.

13 Section 2. This act shall take effect July 1, 2007.

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16 SENATE SUMMARY

17 Provides that the failure of a person to check an  
18 identification document of a person to whom an alcoholic  
19 beverage is served before serving the alcoholic beverage  
20 creates a rebuttable presumption that the person  
21 willfully and unlawfully sold or furnished an alcoholic  
22 beverage to a person who is not of lawful drinking age.  
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