

1 A bill to be entitled
 2 An act relating to alcoholic beverage offenses; amending
 3 s. 562.111, F.S.; prohibiting consumption of alcoholic
 4 beverages by persons under age 21; providing that a first
 5 violation by certain persons is a civil infraction;
 6 providing penalties; providing for participation in
 7 specified programs by violators; requiring participation
 8 in a drug and alcohol education program; requiring an
 9 alcohol and drug evaluation and any necessary treatment;
 10 requiring community service; providing for driver's
 11 license sanctions; providing an effective date.

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 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 amended
 16 to read:

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

19 (1) (a) 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 in
 22 her or his possession alcoholic beverages, except that nothing
 23 contained in this subsection shall preclude the employment of
 24 any person 18 years of age or older in the sale, preparation, or
 25 service of alcoholic beverages in licensed premises in any
 26 establishment licensed by the Division of Alcoholic Beverages
 27 and Tobacco or the Division of Hotels and Restaurants.

28 (b) It is unlawful for any person under the age of 21
 29 years to consume any alcoholic beverages.

30 (2) (a) Notwithstanding the provisions of s. 562.45, any
 31 person under the age of 18 years who receives a first citation
 32 for a violation of this section commits a civil infraction and
 33 is subject to the juvenile civil citation program in s. 985.12
 34 and is also subject to the penalties in subsection (4).

35 (b) For a first violation, any person 18 years of age or
 36 over and any person under the age of 21 who is convicted of a
 37 violation of this section commits ~~subsection is guilty of~~ a
 38 misdemeanor of the second degree, punishable as provided in s.
 39 775.082 or s. 775.083 and is also subject to the penalties in
 40 subsection (4). ~~however,~~

41 (c) Any person under the age of 18 ~~21~~ who has been cited
 42 as a juvenile for a violation of this section and any person 18
 43 years of age and under the age of 21 years who has been
 44 previously convicted of a violation of this section ~~subsection~~
 45 and who is thereafter commits ~~convicted of~~ a second or
 46 subsequent further violation of this section commits ~~subsection~~
 47 is, upon conviction of the further offense, guilty of a
 48 misdemeanor of the first degree, punishable as provided in s.
 49 775.082 or s. 775.083 and is also subject to the penalties in
 50 subsection (4).

51 (3) A law enforcement officer has the discretion to issue
 52 a notice to appear for a first violation of this section.

53 (4) In addition to any sanctions ordered under s. 775.082
 54 or s. 775.083, a violation of this section is punishable as
 55 follows:

56 (a) For a first violation, if the violator is under 18
57 years of age, the violator is subject to the juvenile civil
58 citation program as provided in s. 985.12, if the county within
59 which the violation occurs or a county to which supervision is
60 transferred offers the program. If the juvenile citation program
61 is not offered, the violator shall pay a fine in the amount of
62 \$250 and is also subject to the penalties in paragraphs (b)-(e).
63 For a first violation, if the violator is 18 years of age or
64 older, the violator is eligible for a misdemeanor intervention
65 program. The intervention program can be transferred to another
66 jurisdiction, if the transferee jurisdiction offers a similar
67 program.

68 (b) All violators shall attend a 4-hour alcohol and drug
69 education program approved by the Department of Highway Safety
70 and Motor Vehicles and offered by a DUI program licensed by the
71 department or offered by a substance abuse program provider
72 licensed by the Department of Children and Family Services. The
73 violator shall pay the costs for the program. If the violator is
74 under 18 years of age, the court may require the parent or
75 guardian of the violator to attend the program with the
76 violator.

77 (c) The court may order the violator to submit to an
78 alcohol and drug evaluation, approved by the Department of
79 Highway Safety and Motor Vehicles and offered by a DUI program
80 licensed by the department or offered by a substance abuse
81 program provider licensed by the Department of Children and
82 Family Services, and the violator must complete any treatment

83 deemed necessary by the evaluator. The violator shall pay all
84 costs associated with the evaluation and treatment.

85 (d) All violators shall serve 10 hours of community
86 service for the first violation. For a second or subsequent
87 violation, all violators shall serve 20 hours of community
88 service. The community service hours must be related to alcohol
89 and drug abuse education, prevention, or treatment. However, if
90 programs or services providing that education are not available,
91 the court may order community service that it considers
92 appropriate for rehabilitative purposes.

93 (e) In addition to any other penalty provided s. 322.056,
94 if the violator convicted of a first violation does not complete
95 the required community service, alcohol and drug education
96 program, and alcohol assessment within 6 months, the court shall
97 direct the Department of Highway Safety and Motor Vehicles to
98 withhold issuance of the violator's driver's license for 6
99 months if the violator has not received a driver's license at
100 the time of the violation or suspend the violator's driver's
101 license for 6 months if the violator has a driver's license at
102 the time of the violation. In addition to any other penalty
103 provided in s. 322.056, if a violator convicted of a second or
104 subsequent violation of this section does not complete the
105 required community service, alcohol and drug education program,
106 and alcohol assessment within 1 year, the court shall direct the
107 Department of Highway Safety and Motor Vehicles to withhold
108 issuance of the violator's driver's license for 1 year if the
109 violator has not received a driver's license at the time of the
110 violation or suspend the violator's driver's license for 1 year

HB 1453

2008

111 if the violator has a driver's license at the time of the
112 violation.

113 (5)-(2) The prohibition in this section against the
114 possession of alcoholic beverages does not apply to the tasting
115 of alcoholic beverages by a student who is at least 18 years of
116 age, who is tasting the alcoholic beverages as part of the
117 student's required curriculum at a postsecondary educational
118 institution that is institutionally accredited by an agency
119 recognized by the United States Department of Education and that
120 is licensed or exempt from licensure pursuant to the provisions
121 of chapter 1005 or is a public postsecondary education
122 institution; if the student is enrolled in the college and is
123 tasting the alcoholic beverages only for instructional purposes
124 during classes that are part of such a curriculum; if the
125 student is allowed only to taste, but not consume or imbibe, the
126 alcoholic beverages; and if the alcoholic beverages at all times
127 remain in the possession and control of authorized instructional
128 personnel of the college who are 21 years of age or older.

129 (6)-(3) In addition to any other penalty imposed for a
130 violation of this section ~~subsection (1)~~, the court shall direct
131 the Department of Highway Safety and Motor Vehicles to withhold
132 issuance of, or suspend or revoke, the violator's driver's
133 license or driving privilege, as provided in s. 322.056.

134 Section 2. This act shall take effect October 1, 2008.