

By the Committee on Regulated Industries; and Senator Posey

580-06341-08

20082044c1

1 A bill to be entitled

2 An act relating to selling, giving, or serving alcoholic
3 beverages to persons under 21 years of age; amending s.
4 562.11, F.S.; increasing the penalty imposed for a second
5 or subsequent offense of selling, giving, or serving
6 alcoholic beverages to a person under 21 years of age
7 within a specified period following the prior offense;
8 providing a defense to such a charge; providing an
9 effective date.

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

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13 Section 1. Paragraph (a) of subsection (1) of section
14 562.11, Florida Statutes, is amended, and paragraph (d) is added
15 to that subsection, to read:

16 562.11 Selling, giving, or serving alcoholic beverages to
17 person under age 21; providing a proper name; misrepresenting or
18 misstating age or age of another to induce licensee to serve
19 alcoholic beverages to person under 21; penalties.--

20 (1)(a)1. It is unlawful for any person to sell, give,
21 serve, or permit to be served alcoholic beverages to a person
22 under 21 years of age or to permit a person under 21 years of age
23 to consume such beverages on the licensed premises. A person who
24 violates this subparagraph commits a misdemeanor of the second
25 degree, punishable as provided in s. 775.082 or s. 775.083. A
26 person who violates this subparagraph a second or subsequent time
27 within 1 year after the first violation commits a misdemeanor of
28 the first degree, punishable as provided in s. 775.082 or s.
29 775.083.

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30 2. In addition to any other penalty imposed for a violation
31 of subparagraph 1., the court may order the Department of Highway
32 Safety and Motor Vehicles to withhold the issuance of, or suspend
33 or revoke, the driver's license or driving privilege, as provided
34 in s. 322.057, of any person who violates subparagraph 1. This
35 subparagraph does not apply to a licensee, as defined in s.
36 561.01, who violates subparagraph 1. while acting within the
37 scope of his or her license or an employee or agent of a
38 licensee, as defined in s. 561.01, who violates subparagraph 1.
39 while engaged within the scope of his or her employment or
40 agency.

41 (d) Any person charged with a violation of paragraph (a)
42 has a complete defense if, at the time the alcoholic beverage was
43 sold, given, served, or permitted to be served:

44 1. The buyer or recipient falsely evidenced that he or she
45 was 21 years of age or older;

46 2. The appearance of the buyer or recipient was such that a
47 prudent person would believe the buyer or recipient to be 21
48 years of age or older; and

49 3. Such person carefully checked a driver's license or an
50 identification card issued by this state or another state of the
51 United States, a passport, or a United States armed services
52 identification card presented by the buyer or recipient and acted
53 in good faith and in reliance upon the representation and
54 appearance of the buyer or recipient in the belief that the buyer
55 or recipient was 21 years of age or older.

56 Section 2. This act shall take effect July 1, 2008.