

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; providing an effective date.

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

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

15 562.11 Selling, giving, or serving alcoholic beverages to
 16 person under age 21; providing a proper name; misrepresenting or
 17 misstating age or age of another to induce licensee to serve
 18 alcoholic beverages to person under 21; penalties.--

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

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

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

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

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

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

55 Section 2. This act shall take effect July 1, 2009.