

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Plakon offered the following:

**Substitute Amendment for Amendment (718865) (with title amendment)**

Remove lines 22-49 and insert:

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. A person may not sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age

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14 or permit a person under 21 years of age to consume such  
15 beverages on the licensed premises. A person who violates this  
16 subparagraph commits a misdemeanor of the second degree,  
17 punishable as provided in s. 775.082 or s. 775.083. A person who  
18 violates this subparagraph a second or subsequent time within 1  
19 year after a prior conviction commits a misdemeanor of the first  
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 2. In addition to any other penalty imposed for a  
22 violation of subparagraph 1., the court may order the Department  
23 of Highway Safety and Motor Vehicles to withhold the issuance  
24 of, or suspend or revoke, the driver license or driving  
25 privilege, as provided in s. 322.057, of any person who violates  
26 subparagraph 1. This subparagraph does not apply to a licensee,  
27 as defined in s. 561.01, who violates subparagraph 1. while  
28 acting within the scope of his or her license or an employee or  
29 agent of a licensee, as defined in s. 561.01, who violates  
30 subparagraph 1. while engaged within the scope of his or her  
31 employment or agency.

32 3. A court that withholds the issuance of, or suspends or  
33 revokes, the driver license or driving privilege of a person  
34 pursuant to subparagraph 2. may direct the Department of Highway  
35 Safety and Motor Vehicles to issue the person a license for  
36 driving privilege restricted to business purposes only, as  
37 defined in s. 322.271, if he or she is otherwise qualified.

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38        4. A vendor licensed to sell alcoholic beverages under s.  
39 563.02(1), s. 564.02(1)(a), or s. 565.02(1)(a) who sells  
40 alcoholic beverages to a person under 21 years of age shall be  
41 subject to a fine of \$10,000 and the division shall suspend the  
42 vendor's license for 14 days.

43        Section 2. Subsection (3) of section 562.13, Florida  
44 Statutes is renumbered as subsection (4), paragraphs (a) and (c)  
45 of subsection (2) are amended, and a new subsection (3) is added  
46 to that section, to read:

47        562.13 Employment of minors or certain other persons by  
48 certain vendors prohibited; exceptions.—

49        (2) This section shall not apply to:

50        (a) Professional entertainers 17 years of age or older who  
51 are not in school.

52        (c) Persons under the age of 18 years who are employed in  
53 a retail drugstore ~~drugstores~~, grocery store ~~stores~~, department  
54 store ~~stores~~, florist shop ~~florists~~, specialty gift shop ~~shops~~,  
55 or automobile service station whose license fees are specified  
56 in s. 563.02(1) or s. 564.02(1)(a) if such vendor derives 30  
57 percent or less of its monthly gross revenue from sales of  
58 alcoholic beverages. This exception applies only if the minor  
59 employees are supervised by a person 18 years of age or older  
60 who verifies that any purchaser of alcoholic beverages is 21  
61 years of age or older and who approves the sale of alcoholic  
62 beverages to such purchaser. Failure to comply with the

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63 restriction on monthly revenue from the sale of alcoholic  
 64 beverages is unlawful if a person under the age of 18 years is  
 65 employed in the licensed premises during a month that the  
 66 restriction is exceeded ~~stations which have obtained licenses to~~  
 67 ~~sell beer or beer and wine, when such sales are made for~~  
 68 ~~consumption off the premises.~~

69  
 70 However, a minor to whom this subsection otherwise applies may  
 71 not be employed if the employment, whether as a professional  
 72 entertainer or otherwise, involves nudity, as defined in s.  
 73 847.001, on the part of the minor and such nudity is intended as  
 74 a form of adult entertainment.

75 (3) It is unlawful for any vendor licensed under s.  
 76 565.02(1)(a) to employ any person under 21 years of age.

77 Section 3. If this act and CS/CS/CS/HB 689, 2017 Regular  
 78 Session, or CS/CS/SB 388, 2017 Regular Session, or similar  
 79 legislation are adopted in the same legislative session or an  
 80 extension thereof and become law, and the respective provisions  
 81 of such acts amending s. 562.13, Florida Statutes, differ, it is  
 82 the intent of the Legislature that the amendments made by this  
 83 act to s. 562.13, Florida Statutes, shall control over the  
 84 language of CS/CS/CS/HB 689, CS/CS/SB 388, or similar  
 85 legislation, regardless of the order in which they are enacted.

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**T I T L E   A M E N D M E N T**

Remove lines 3-10 and insert:

Law; amending s. 562.11, F.S.; imposing a fine and license suspension on vendors licensed to sell alcoholic beverages who sell alcoholic beverages to a person under the age of 21 years; amending s. 562.13, F.S.; revising applicability to specify circumstances under which persons under the age of 18 years who are employed in specified businesses are excluded from certain employment prohibitions; providing that failure to comply with a restriction on monthly revenue from the sale of alcoholic beverages is unlawful if a minor is employed during a month that the restriction is exceeded; prohibiting persons under the age of 21 years from being employed in specified businesses; providing construction with respect to the passage of similar legislation;

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