

CS/HB 33 — Alcoholic Beverages/Persons Under 21 Years of Age

by Public Safety & Domestic Security Policy Committee, and Rep. Randolph and others (CS/SB 1068, 1st Eng., by Criminal Justice Committee and Senators Altman, Fasano, and Crist)

The bill creates a first degree misdemeanor for a subsequent violation within one year of a prior conviction for the sale or delivery of alcoholic beverages to a person under 21 years of age on the premises of an alcoholic beverage licensee. A first degree misdemeanor carries a jail sentence not to exceed one year as well as a fine not to exceed \$1,000. Under current law, a person who sells or delivers alcoholic beverage to a person under the age of 21 on an alcoholic beverage licensed premises is subject to a second degree misdemeanor, which carries a term of imprisonment not to exceed 60 days and a fine not to exceed \$500.

The bill also creates a complete defense for any person who violates the prohibition against the sale or delivery of an alcoholic beverage to a person under 21 years of age on an alcoholic beverage licensed premises. The defense applies if:

- The buyer or recipient of the alcoholic beverage falsely evidenced that he or she was 21 years of age or older,
- The appearance of the buyer or recipient was such that an ordinarily prudent person would believe him or her to be 21 years of age or older, and
- The person carefully checked the buyer or recipient's identification card, acted in good faith, and relied upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 35-0; House 115-0