

Committee on Regulated Industries

CS/SB 1090 — Unauthorized Sale of Alcoholic Beverages

by Rules Committee and Senator Martin

The bill increases the criminal penalties for the unlicensed or unlawful sale of alcoholic beverages under s. 562.12(1), F.S., which prohibits the sale of alcoholic beverages without a license or in a manner not permitted by the license and keeping and maintaining a place where alcoholic beverages are sold unlawfully.

The bill provides that a person, including a licensee, who unlawfully sells alcoholic beverages at a commercial establishment or keeps or maintains a place where alcoholic beverages are sold or intended to be sold unlawfully commits a felony of the third degree and must pay a fine of not less than \$5,000 and not more than \$10,000. Under current law, a felony of the third degree is punishable by a term of imprisonment not to exceed five years and a fine not to exceed \$5,000.

The bill maintains current law, which provides that a person who keeps or maintains a place where alcoholic beverages are sold unlawfully commits a second degree misdemeanor, which is punishable by a term of imprisonment not to exceed 60 days and a fine not to exceed \$500.

The bill also provides that any person who commits a second or subsequent violation of s. 562.12(1), F.S., commits a second degree felony, with a fine of not less than \$15,000 but not more than \$20,000. Under current law, a felony of the second degree is punishable by a term of imprisonment not exceeding 15 years and a fine not exceeding \$10,000.

The bill provides additional grounds for local nuisance abatement boards to declare a place or premises a public nuisance. A place or premises may be declared a public nuisance, if used on more than two occasions within a 12-month period, as the site of a violation of s. 562.12, F.S., relating to the unlicensed or unlawful sale of alcoholic beverages. Local nuisance abatement boards are authorized to prohibit specified nuisances, including ordering the closure of any place or premises that has been used as the site of certain specified nuisances, such as being the site of repeated controlled substances criminal violations.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 114-0