

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.

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, 2010.