

By the Committee on Rules; and Senator Martin

595-03344-24

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1 A bill to be entitled
2 An act relating to the unauthorized sale of alcoholic
3 beverages; amending s. 562.12, F.S.; revising the
4 punishment for the unlawful sale of alcoholic
5 beverages; amending s. 893.138, F.S.; revising the
6 activities that may be declared a public nuisance
7 under local administrative actions to abate certain
8 activities to include persons who commit the
9 unlicensed or unlawful sale of alcoholic beverages
10 more than a specified number of times within a
11 specified period; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Present subsections (2), (3), and (4) of section
16 562.12, Florida Statutes, are redesignated as subsections (3),
17 (4), and (5), respectively, a new subsection (2) is added to
18 that section, and subsection (1) of that section is amended, to
19 read:

20 562.12 Beverages sold with improper license, or without
21 license or registration, or held with intent to sell
22 prohibited.—

23 (1) (a) It is unlawful for any person to sell alcoholic
24 beverages without a license, and it is unlawful for any licensee
25 to sell alcoholic beverages except as permitted by her or his
26 license, or to sell such beverages in any manner except that
27 permitted by her or his license; and any licensee or other
28 person who keeps or possesses alcoholic beverages not permitted
29 to be sold by her or his license, or not permitted to be sold

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30 without a license, with intent to sell or dispose of same
31 unlawfully, or who keeps and maintains a place where alcoholic
32 beverages are sold unlawfully, commits ~~is guilty of a felony of~~
33 the third degree, punishable as provided in s. 775.082, s.
34 775.083, or s. 775.084, and must pay a fine of not less than
35 \$5,000 and not more than \$10,000 ~~misdemeanor of the second~~
36 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

37 (b) Any person who unlawfully sells alcoholic beverages at
38 a commercial establishment or keeps and maintains a place where
39 alcoholic beverages are sold or intended to be sold unlawfully
40 commits a felony of the third degree, punishable as provided in
41 s. 775.082, s. 775.083, or s. 775.084, and must pay a fine of
42 not less than \$5,000 and not more than \$10,000.

43 (2) Any person who commits a second or subsequent violation
44 of subsection (1) commits a felony of the second degree,
45 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
46 and must pay a fine of not less than \$15,000 and not more than
47 \$20,000.

48 Section 2. Subsection (2) of section 893.138, Florida
49 Statutes, is amended to read:

50 893.138 Local administrative action to abate certain
51 activities declared public nuisances.—

52 (2) Any place or premises that has been used:

53 (a) On more than two occasions within a 6-month period, as
54 the site of a violation of s. 796.07;

55 (b) On more than two occasions within a 6-month period, as
56 the site of the unlawful sale, delivery, manufacture, or
57 cultivation of any controlled substance;

58 (c) On one occasion as the site of the unlawful possession

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59 of a controlled substance, where such possession constitutes a
60 felony and that has been previously used on more than one
61 occasion as the site of the unlawful sale, delivery,
62 manufacture, or cultivation of any controlled substance;

63 (d) By a criminal gang for the purpose of conducting
64 criminal gang activity as defined by s. 874.03;

65 (e) On more than two occasions within a 6-month period, as
66 the site of a violation of s. 812.019, relating to dealing in
67 stolen property;

68 (f) On two or more occasions within a 6-month period, as
69 the site of a violation of chapter 499; ~~or~~

70 (g) On more than two occasions within a 6-month period, as
71 the site of a violation of any combination of the following:

72 1. Section 782.04, relating to murder;
73 2. Section 782.051, relating to attempted felony murder;
74 3. Section 784.045(1)(a)2., relating to aggravated battery
75 with a deadly weapon; ~~or~~

76 4. Section 784.021(1)(a), relating to aggravated assault
77 with a deadly weapon without intent to kill; ~~or~~

78 (h) On more than two occasions within a 12-month period, as
79 the site of a violation of s. 562.12, relating to the unlicensed
80 or unlawful sale of alcoholic beverages,

81
82 may be declared to be a public nuisance, and such nuisance may
83 be abated pursuant to the procedures provided in this section.

84 Section 3. This act shall take effect July 1, 2024.