

20241090er

1
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; making a technical change; amending s.
6 893.138, F.S.; revising the activities that may be
7 declared a public nuisance under local administrative
8 actions to abate certain activities to include persons
9 who commit the unlicensed or unlawful sale of
10 alcoholic beverages more than a specified number of
11 times within a specified period; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Present subsections (2), (3), and (4) of section
17 562.12, Florida Statutes, are redesignated as subsections (3),
18 (4), and (5), respectively, a new subsection (2) is added to
19 that section, and subsection (1) of that section is amended, to
20 read:

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

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

20241090er

30 to be sold by her or his license, or not permitted to be sold
31 without a license, with intent to sell or dispose of same
32 unlawfully, commits ~~or who keeps and maintains a place where~~
33 ~~alcoholic beverages are sold unlawfully, is guilty of a~~
34 misdemeanor of the second degree, punishable as provided in s.
35 775.082 or s. 775.083.

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

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

20241090er

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.