HB 1123 2024

1 A bill to be entitled 2 An act relating to unlawful sale of alcoholic 3 beverages; amending s. 562.12, F.S.; revising upward 4 the penalties associated with selling alcoholic 5 beverages without a license; providing for additional 6 criminal penalties for subsequent violations; amending 7 s. 893.138, F.S.; specifying conditions under which 8 sites that have violated the prohibition on the 9 unlawful sale of alcoholic beverages may be declared a public nuisance; providing an effective date. 10

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

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Section 1. Subsections (2) and (3) of section 562.12, Florida Statutes, are renumbered as subsections (3) and (4), respectively, subsection (1) is amended, and a new subsection (2) is added to that section, to read:

- 562.12 Beverages sold with improper license, or without license or registration, or held with intent to sell prohibited.—
- (1) It is unlawful for any person to sell alcoholic beverages without a license, and it is unlawful for any licensee to sell alcoholic beverages except as permitted by her or his license, or to sell such beverages in any manner except that permitted by her or his license; and any licensee or other

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person who keeps or possesses alcoholic beverages not permitted to be sold by her or his license, or not permitted to be sold without a license, with intent to sell or dispose of same unlawfully, or who keeps and maintains a place where alcoholic beverages are sold unlawfully, is guilty of a <u>felony misdemeanor</u> of the <u>third second</u> degree, punishable as provided in s. 775.082 or s. 775.083 <u>and shall pay a fine of not less than \$5,000 and not more than \$10,000</u>.

- (2) A person who commits a second or subsequent violation of subsection (1) commits a felony of the second degree punishable as provided in s. 775.082 or s. 775.083 and shall pay a fine of not less than \$15,000 and not more than \$20,000.
- Section 2. Paragraphs (f) and (g) of subsection (2) of section 893.138, Florida Statutes are amended, and paragraph (h) of subsection (2) is added to that section, to read:
- 893.138 Local administrative action to abate certain activities declared public nuisances.—
 - (2) Any place or premises that has been used:
- (f) On two or more occasions within a 6-month period, as the site of a violation of chapter 499; $\frac{1}{2}$
- (g) On more than two occasions within a 6-month period, as the site of a violation of any combination of the following:
 - 1. Section 782.04, relating to murder;
 - 2. Section 782.051, relating to attempted felony murder;
 - 3. Section 784.045(1)(a) 2., relating to aggravated battery

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51	with a deadly weapon; or
52	4. Section 784.021(1)(a), relating to aggravated assault
53	with a deadly weapon without intent to kill $\underline{;}$ or $_{\mathcal{T}}$
54	(h) On more than two occasions within a 6-month period as
55	the site where a violation related to the unlawful sale of
56	alcoholic beverages under s. 562.12 occurred,
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58	may be declared to be a public nuisance, and such nuisance may
59	be abated pursuant to the procedures provided in this section.
60	Section 3. This act shall take effect July 1, 2024.

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