

CS/CS/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.; prohibiting the
4 unlawful sale of alcoholic beverages at a commercial
5 establishment or the keeping or maintaining of a place
6 where alcoholic beverages are sold; providing criminal
7 penalties; amending s. 893.138, F.S.; specifying
8 conditions under which sites that have violated the
9 prohibition on the unlawful sale of alcoholic
10 beverages may be declared a public nuisance; providing
11 an effective date.

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

19 562.12 Beverages sold with improper license, or without
20 license or registration, or held with intent to sell
21 prohibited.—

22 (1) (a) It is unlawful for any person to sell alcoholic
23 beverages without a license, and it is unlawful for any licensee
24 to sell alcoholic beverages except as permitted by her or his
25 license, or to sell such beverages in any manner except that

26 | permitted by her or his license; and any licensee or other
27 | person who keeps or possesses alcoholic beverages not permitted
28 | to be sold by her or his license, or not permitted to be sold
29 | without a license, with intent to sell or dispose of same
30 | unlawfully, commits ~~or who keeps and maintains a place where~~
31 | ~~alcoholic beverages are sold unlawfully, is guilty of a~~
32 | misdemeanor of the second degree, punishable as provided in s.
33 | 775.082 or s. 775.083.

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

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

46 | Section 2. Paragraphs (f) and (g) of subsection (2) of
47 | section 893.138, Florida Statutes, are amended, and paragraph
48 | (h) is added to that subsection, to read:

49 | 893.138 Local administrative action to abate certain
50 | activities declared public nuisances.—

51 (2) Any place or premises that has been used:
 52 (f) On two or more occasions within a 6-month period, as
 53 the site of a violation of chapter 499; ~~or~~
 54 (g) On more than two occasions within a 6-month period, as
 55 the site of a violation of any combination of the following:
 56 1. Section 782.04, relating to murder;
 57 2. Section 782.051, relating to attempted felony murder;
 58 3. Section 784.045(1)(a) 2., relating to aggravated battery
 59 with a deadly weapon; or
 60 4. Section 784.021(1)(a), relating to aggravated assault
 61 with a deadly weapon without intent to kill; or
 62 (h) On more than two occasions within a 12-month period as
 63 the site where a violation related to the unlawful sale of
 64 alcoholic beverages under s. 562.12 occurred,
 65
 66 may be declared to be a public nuisance, and such nuisance may
 67 be abated pursuant to the procedures provided in this section.
 68 Section 3. This act shall take effect July 1, 2024.