

CHAPTER 2024-77

Committee Substitute for Senate Bill No. 1090

An act relating to the unauthorized sale of alcoholic beverages; amending s. 562.12, F.S.; revising the punishment for the unlawful sale of alcoholic beverages; making a technical change; amending s. 893.138, F.S.; revising the activities that may be declared a public nuisance under local administrative actions to abate certain activities to include persons who commit the unlicensed or unlawful sale of alcoholic beverages more than a specified number of times within a specified period; providing an effective date.

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

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

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

(1)(a) 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 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, ~~commits or who keeps and maintains a place where alcoholic beverages are sold unlawfully, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor April 11, 2024.

Filed in Office Secretary of State April 11, 2024.