

120991B

West's Florida Statutes Annotated

Title XXXIV. Alcoholic Beverages and Tobacco (Chapters 561-569) (Refs & Annos)

Chapter 562. Beverage Law: Enforcement (Refs & Annos)

West's F.S.A. § 562.13

562.13. Employment of minors or certain other persons by certain vendors prohibited; exceptions

Currentness

(1) Unless otherwise provided in this section, it is unlawful for any vendor licensed under the Beverage Law to employ any person under 18 years of age.

(2) This section shall not apply to:

(a) Professional entertainers 17 years of age who are not in school.

(b) Minors employed in the entertainment industry, as defined by s. 450.012(5), who have either been granted a waiver under s. 450.095 or employed under the terms of s. 450.132 or under rules adopted pursuant to either of these sections.

(c) Persons under the age of 18 years who are employed in drugstores, grocery stores, department stores, florists, specialty gift shops, or automobile service stations which have obtained licenses to sell beer or beer and wine, when such sales are made for consumption off the premises.

(d) Persons 17 years of age or over or any person furnishing evidence that he or she is a senior high school student with written permission of the principal of said senior high school or that he or she is a senior high school graduate, or any high school graduate, employed by a bona fide food service establishment where alcoholic beverages are sold, provided such persons do not participate in the sale, preparation, or service of the beverages and that their duties are of such nature as to provide them with training and knowledge as might lead to further advancement in food service establishments.

(e) Persons under the age of 18 years employed as bellhops, elevator operators, and others in hotels when such employees are engaged in work apart from the portion of the hotel property where alcoholic beverages are offered for sale for consumption on the premises.

(f) Persons under the age of 18 years employed in bowling alleys in which alcoholic beverages are sold or consumed, so long as such minors do not participate in the sale, preparation, or service of such beverages.

(g) Persons under the age of 18 years employed by a bona fide dinner theater as defined in this paragraph, as long as their employment is limited to the services of an actor, actress, or musician. For the purposes of this paragraph, a dinner theater means a theater presenting consecutive productions playing no less than 3 weeks each in conjunction with dinner service on a regular basis. In addition, both events must occur in the same room, and the only advertised price of admission must include both the cost of the meal and the attendance at the performance.

(h) Persons under the age of 18 years who are employed in places of business licensed under s. 565.02(6), provided such persons do not participate in the sale, preparation, or service of alcoholic beverages.

However, a minor to whom this subsection otherwise applies may not be employed if the employment, whether as a professional entertainer or otherwise, involves nudity, as defined in s. 847.001, on the part of the minor and such nudity is intended as a form of adult entertainment.

(3)(a) It is unlawful for any vendor licensed under the beverage law to employ as a manager or person in charge or as a bartender any person:

1. Who has been convicted within the last past 5 years of any offense against the beverage laws of this state, the United States, or any other state.

2. Who has been convicted within the last past 5 years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or any felony violation of chapter 893 or the controlled substances act of any other state or the Federal Government.

3. Who has, in the last past 5 years, been convicted of any felony in this state, any other state, or the United States.

The term "conviction" shall include an adjudication of guilt on a plea of guilty or nolo contendere or forfeiture of a bond when such person is charged with a crime.

(b) This subsection shall not apply to any vendor licensed under the provisions of s. 563.02(1)(a) or s. 564.02(1)(a).

Credits

Laws 1935, c. 16774, § 11; Comp.Gen.Laws Supp.1936, § 4151(237); Laws 1941, c. 20830, § 1; Laws 1945, c. 22669, § 1; Laws 1949, c. 25359, § 21; Laws 1955, c. 29964, § 2; Laws 1957, c. 57-327, § 1; Laws 1961, c. 61-429, § 1; Laws 1965, c. 65-534, § 1; Laws 1967, Ex.Sess., c. 67-2208, § 1; Laws 1969, c. 69-106, §§ 16, 35; Laws 1972, c. 72-183, § 1; Laws 1972, c. 72-230, § 2; Laws 1973, c. 73-358, § 1; Laws 1973, c. 73-365, § 1; Laws 1976, c. 76-288, § 2; Laws 1977, c. 77-174, § 1. Amended by Laws 1991, c. 91-60, § 2, eff. May 9, 1991; Laws 1992, c. 92-176, § 6, eff. Oct. 1, 1992; Laws 1995, c. 95-144, § 52, eff. July 10, 1995; Laws 1997, c. 97-44, § 1, eff. July 1, 1997; Laws 1997, c. 97-103, § 861, eff. July 1, 1997.

Notes of Decisions (18)

West's F. S. A. § 562.13, FL ST § 562.13

Current through Ch. 272 (End) of the 2013 1st Reg. Sess. of the Twenty-Third Legislature

West's Florida Administrative Code

Title 61. Department of Business & Professional Regulation

Subtitle 61A. Division of **Alcoholic Beverages** and Tobacco

Chapter 61A-3. Vendors and Licensees

Rule 61A-3.039, F.A.C.

Fla. Admin. Code r. 61A-3.039

61A-3.039. Exceptions in **Employment** of **Minors** and Others.

Currentness

(1) As used in section 562.13, Florida Statutes:

(a) “**Employ**” means selecting a person to perform work for wages or tips who is subject to dismissal and control by the licensee. It shall also include permitting a person to work or the presence of any person in any place of **employment** during open hours who is **not** a customer.

(b) “Drugstores, grocery stores, department stores, florists, specialty gift shops, automobile service stations”, shall mean any premises for which a beer or beer and wine package only license is issued.

(c) “Senior high school student” shall mean any person who has completed the ninth grade and enrolled in the tenth, eleventh, or twelfth grade in a public or private school.

(d) “Senior high school graduate” shall mean any person who has been issued a high school or high school equivalency diploma.

(e) “Written permission” shall mean that the licensee has on the licensed premises a copy of the high school diploma or evidence that the person is a senior high school student.

(f) “Bona fide food service **establishment**” shall mean any premises issued a current and valid restaurant license from the Division of Hotels and Restaurants and which derives at least 51 percent of its total gross revenues from the retail sale of food and non-**alcoholic beverages** served for consumption on the premises on a bi-monthly basis.

(g) “Sale, preparation, and service of **alcoholic beverages**” shall **not** include cashier duties, whose sole job is accounting for guest checks and income, bussing tables, or general cleaning duties.

(2) Each licensed vendor who **employs** anyone under 18 years of age shall maintain on the licensed premises a position description that lists all of their duties.

(3) A licensed vendor is **not** prohibited from **employing** anyone under 18 years of age in a business which is **not** licensed to sell **alcoholic beverages**, or in the vendor's office, provided it is a separate premises and **not** connected to the licensed premises by an interior doorway.

(4) Chapter 450, Part I, Florida Statutes, set forth special restrictions when **employing** persons under the age of 18.

Credits

Adopted Oct. 1, 1968; Readopted Dec. 19, 1974; Amended Mar. 1, 1976; Transferred from 7A-3.39, 7A-3.039; Amended Feb. 28, 1994.

AUTHORITY: 561.11 FS. Law Implemented 562.13 FS.

Current with amendments available through September 30, 2013.

Rule 61A-3.039, F.A.C., 61 FL ADC 61A-3.039

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