

OVERVIEW OF ALCOHOL LAW PENALTIES UNDER STATE AND LOCAL LAW

	State of Florida	Hillsborough County	Pinellas County	City of Tampa	City of Gulfport
Definition of alcoholic beverages	Distilled spirits and all beverages containing one-half of 1% or more alcohol by volume. Sec. 561.01(4)(a), <u>Fla. Stat.</u>	Same as state's definition (see, for example, Sec. 3-5(a)(2) and Sec. 3-7(c)(1) of the Hillsborough County Ordinances)	All beverages containing more than 1% of alcohol by weight. Sec. 6-26(2), Pinellas County Ordinances	Silent. Defer to state definition.	Alcoholic beverages not defined, but various categories (i.e., beer, intoxicating beverage, intoxicating liquors, and wines) are defined in Sec. 4-1, City of Gulfport Ordinances.
Minimum legal drinking age	21 years old. Sec. 562.111(1), <u>Fla. Stat.</u>	21 years old (follows state law)	21 years old (follows state law)	21 years old (follows state law)	21 years old (follows state law)

Last updated 4/25/07 This summary is intended to assist by providing an overview of state and local alcohol penalties. While reasonable efforts have been made to provide accurate information, it must be recognized that that laws can and do change, and readers should check the accuracy of the information provided against the most current laws.

Penalties for underage person drinking or underage person's possession of alcoholic beverages	First offense is a second-degree misdemeanor punishable by fine not to exceed \$500.00 or imprisonment not to exceed 60 days. Second offense is a first degree misdemeanor punishable by a fine not to exceed \$1,000.00 or imprisonment not to exceed one year. . Sec. 562.111(1), Sec. 775.082(4), and Sec. 775.083(d) and (e), Fla. Stat.	Silent. Defer to state guidelines.	Silent. Defer to state guidelines.	Silent. Defer to state guidelines.	Silent. Defer to state guidelines.
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<p>Penalties for furnishing alcoholic beverages to or buying alcoholic beverages for underage persons</p>	<p>Second-degree misdemeanor punishable by fine not to exceed \$500.00 or imprisonment not to exceed 60 days. Sec. 562.11(1), Sec. 775.082(4), and Sec. 775.083(d) and (e), Fla. Stat.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>For furnishing alcohol to underage persons: Fine not to exceed \$500.00 or imprisonment jail not to exceed 60 days, or both. Sec. 4-19 and Sec. 1-6, City of Gulfport Ordinances.</p> <p>No ordinance violation for an adult buying alcohol for underage persons.</p>
<p>Penalties for fraudulent use of fake ID to buy alcoholic beverages</p>	<p>Second-degree misdemeanor punishable by fine not to exceed \$500.00 or imprisonment not to exceed 60 days. Sec. 322.212(5)(b) and (6), Sec.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>

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	775.082(4)(b), and Sec. 775.083(e), <u>Fla. Stat.</u>				
Penalties for underage person drinking on unlicensed premises	Silent.	Fine not to exceed \$500.00 or imprisonment in the county jail not to exceed 60 days, or both. Sec. 3-7(h), Hillsborough County Ordinances	Silent.	Silent.	Silent.
Penalties for violating open- container laws	Driver: Noncriminal moving traffic violation. Passenger: Nonmoving traffic violation. Sec. 316.1936, <u>Fla.</u> <u>Stat.</u> Penalties vary	Silent. Defer to state guidelines.	Fine not to exceed \$500.00 or imprisonment in the county jail not to exceed 60 days, or both. Sec. 6-51, Pinellas County Ordinances.	Fine not to exceed \$500.00 or imprisonment for a term not to exceed 60 days, and/or a term of probation not to exceed 6 months. Sec. 3-40 and Sec. 1-6(a), City of Tampa Ordinances.	Fine not to exceed \$500.00 or imprisonment not to exceed 60 days, or both. Sec. 4-25 and Sec. 1-6, City of Gulfport Ordinances.

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	<p>greatly for drivers and passengers depending on facts and circumstances. Chapter 318 of the Florida Statutes has details.</p>				
<p>Definition of driving under the influence (DUI)</p>	<p>Blood alcohol level of 0.08 or more grams of alcohol per 100 ml of blood; or breath-alcohol level of 0.08 or more grams of alcohol per 210 L of breath. Sec. 316.193, <u>Fla. Stat.</u> BUT, if the driver is under the age of</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>

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	<p>21, it is unlawful for such person to have a blood-alcohol or breath-alcohol level of 0.02 or higher to drive or be in actual physical control of a motor vehicle. Sec. 322.2616(1), Fla. Stat.</p>				
<p>Penalties for DUI or for boating under the influence</p>	<p>First conviction: Fine of \$250.00-\$500.00 and imprisonment not to exceed 6 months. Second conviction: Fine of \$500.00-\$1,000.00, imprisonment not to exceed 9</p>	<p>Silent. Defer to state guidelines.</p>	<p>Silent. Defer to state guidelines.</p>	<p>In addition to state penalties, the City of Tampa may deny a driver's permit for any person convicted of DUI within one year prior to the date of permit application. Sec. 25-65, City of Tampa Ordinances.</p>	<p>Silent. Defer to state guidelines.</p>

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	<p>months, and mandatory placement of an ignition interlock device for at least one year.</p> <p>Third conviction within 10 years after a prior conviction: third degree felony punishable by a fine not to exceed \$5,000.00, imprisonment not exceeding 5 years, and mandatory placement of an ignition interlock device for at least two years. Sec. 316.193, Sec. 327.35, Sec. 775.082((3)(d), and Sec.</p>				
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	775.083(1)(c), Fla. <u>Stat.</u>				
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