



# Florida

## State Profile and Underage Drinking Facts

**State Population: 18,801,310**  
**Population Ages 12–20: 2,128,000**

	<b>Percentage</b>	<b>Number</b>
<b>Ages 12–20</b>		
Past-Month Alcohol Use	26.8	571,000
Past-Month Binge Alcohol Use	16.3	348,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	6.5	41,000
Past-Month Binge Alcohol Use	3.0	19,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	23.1	167,000
Past-Month Binge Alcohol Use	13.8	99,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	46.8	363,000
Past-Month Binge Alcohol Use	29.6	230,000
<b>Alcohol-Attributable Deaths (under 21)</b>		<b>Number</b> 273
<b>Years of Potential Life Lost (under 21)</b>		16,280

	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	19.0	75

## **Laws Addressing Minors in Possession of Alcohol**

### **Underage Possession of Alcohol**

Possession is prohibited—no explicit exceptions noted in the law.

### **Underage Consumption of Alcohol**

Consumption is not explicitly prohibited.

### **Internal Possession by Minors**

Internal possession is not explicitly prohibited.

### **Underage Purchase of Alcohol**

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

### **False Identification for Obtaining Alcohol**

#### ***Provision(s) Targeting Minors***

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

#### ***Provisions Targeting Retailers***

- Licenses for drivers under age 21 are easily distinguishable from those for drivers age 21 and older.
- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.

## **Laws Targeting Underage Drinking and Driving**

### **BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)**

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

### **Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)**

Use/lose penalties apply to minors under age 18.

#### ***Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial***

- Underage purchase
- Underage possession

#### ***Authority To Impose Driver’s License Sanction***

- Mandatory

***Length of Suspension/Revocation***

- Minimum: 180 days
- Maximum: 365 days

**Graduated Driver’s License**

***Learner Stage***

- Minimum entry age: 15
- Minimum learner-stage period: 12 months
- Minimum supervised driving requirement: 50 hours—10 of which must be at night

***Intermediate Stage***

- Minimum age: 16
- Unsupervised night driving
  - Prohibited after: 11 p.m. for 16-year-olds; 1 a.m. for 17-year-olds
  - Primary enforcement of the night-driving rule
- No passenger restrictions

***License Stage***

- Minimum age to lift restrictions: 18

**Laws Targeting Alcohol Suppliers**

**Furnishing Alcohol to Minors**

Furnishing is prohibited—no explicit exceptions noted in the law.

**Compliance Check Protocols**

***Age of Decoy***

- Minimum: 16
- Maximum: 19

***Appearance Requirements***

- Obviously underage in appearance
- No uniforms
- Dress based on community standards in target area
- Male: No facial hair
- Female: Age-appropriate hair and makeup; no revealing attire

***ID Possession***

- Discretionary

***Verbal Exaggeration of Age***

- Prohibited

***Decoy Training***

- Not specified

**Penalty Guidelines for Sales to Minors**

- Time period/conditions: Not specified
- First offense: \$1,000 and 7-day license suspension
- Second offense: \$3,000 and 30-day license suspension
- Third offense: License revocation

**Responsible Beverage Service*****Voluntary Beverage Service Training***

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

***Incentives for Training***

- Mitigation of fines or other administrative penalties for sales to minors
- Protection against license revocation for sales to minors

**Minimum Ages for Off-Premises Sellers**

- Beer: Not specified
- Wine: Not specified
- Spirits: 18

**Minimum Ages for On-Premises Sellers**

- Beer: 18 for both servers and bartenders
- Wine: 18 for both servers and bartenders
- Spirits: 18 for both servers and bartenders

**Dram Shop Liability**

Statutory liability exists subject to the following conditions:

- Limitations on elements/standards of proof: Willful and unlawful furnishing to minor

**Social Host Liability Laws**

- There is no statutory liability.
- The courts recognize common law social host liability.

*Note:* Common law liability rests on a violation of the criminal social host statute. The criminal social host statute prohibits an adult from allowing an open house party to take place at a residence he/she controls and knowingly allowing a minor to possess or consume alcohol at the residence and failing to take reasonable steps to prevent the possession or consumption of the alcoholic beverage.

**Host Party Laws**

Social host law is specifically limited to underage drinking parties.

- Action by underage guest that triggers violation: Possession, consumption
- Property type(s) covered by liability law: Residence
- Standard for hosts' knowledge or action regarding the party: Knowledge—host must have actual knowledge of the occurrence
- Preventive action by the host negates the violation

*Note:* The “preventive action” provision in Florida requires the prosecution to prove that the host failed to take preventive action.

### **Direct Sales/Shipments of Alcohol by Producers**

Direct sales/shipments from producers to consumers are not permitted.

*Note:* Although current law suggests that direct shipments of alcoholic beverages are prohibited, the Florida Department of Business and Professional Regulation’s informal policy allows out-of-state wineries to make direct shipments of wine to Florida consumers. Florida statutes that purport to ban direct shipments are not being enforced pursuant to a stipulation entered into by the State in a lawsuit challenging the constitutionality of the law (Fla. Stat. Ann. §§ 561.54, 561.545, [www.flsenate.gov/data/Publications/2006/Senate/reports/interim\\_reports/pdf/2006-146rilong.pdf](http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-146rilong.pdf)).

### **Keg Registration**

Registration is not required.

## **Alcohol Pricing Policies**

### **Home Delivery**

- Beer: Permitted
- Wine: Permitted
- Spirits: Permitted

### **Alcohol Tax**

- Beer (5 percent alcohol): Specific excise tax is \$0.48 per gallon.
- Wine (12 percent alcohol): Specific excise tax is \$2.25 per gallon.
- Spirits (40 percent alcohol): Specific excise tax is \$6.50 per gallon (\$2.25 per gallon for alcohol content of less than 17.259 percent).

### **Drink Specials**

No law

### **Wholesale Pricing**

Pricing restrictions exist.

#### ***Beer (5 percent alcohol)***

- Price posting requirements: Post
- Retailer credit: Restricted—15 days maximum

#### ***Wine (12 percent alcohol)***

- Retailer credit: Restricted—15 days maximum

#### ***Spirits (40 percent alcohol)***

- Retailer credit: Restricted—15 days maximum

## Florida State Survey Responses

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Department of Business and Professional Regulation/Division of Alcoholic Beverages and Tobacco (ABT)	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i>	
No data	
<b>Enforcement Strategies</b>	
<i>State law enforcement agencies use:</i>	
Cops in Shops	Yes
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	Yes
Party Patrol Operations or Programs	Yes
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Not applicable
Such laws are also enforced by local law enforcement agencies	Unknown
<b>Enforcement Statistics</b>	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession <sup>1</sup> by State law enforcement agencies	2,471
Number pertains to the 12 months ending	12/31/2010
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	10,788
Number of licensees that failed State compliance checks	1,159
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of licensees checked for compliance by local agencies	Data not collected
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State <sup>3</sup>	82
Total amount in fines across all licensees	\$82,300
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State <sup>4</sup>	72
Total days of suspensions across all licensees	371
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed <sup>5</sup>	3
Numbers pertain to the 12 months ending	12/31/2010

Additional Clarification	
No data	

<sup>1</sup> Or having consumed or purchased per State statutes

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

<sup>3</sup> Does not include fines imposed by local agencies

<sup>4</sup> Does not include suspensions imposed by local agencies

<sup>5</sup> Does not include revocations imposed by local agencies

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
<b>Be The Wall Campaign</b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report	No data
URL for more program information	No data
Program description: "Be The Wall" is a statewide social marketing campaign sponsored by the Florida Governor's Office of Drug Control, the Florida Department of Children and Families, and the Strategic Prevention Framework State Incentive Grant (SPF-SIG).	
<b>Impaired Driving Coalition</b>	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	No data
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
Program description: No data	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
<b>Too Good for Drugs &amp; Violence</b>	
URL for more program information	<a href="http://www.mendezfoundation.org">http://www.mendezfoundation.org</a>
Program description: Too Good for Drugs & Violence is a comprehensive prevention education program for high school students. Designed to equip students with the knowledge, skills, and attitudes they need to remain safe and drug free, this program builds on the core concepts of Too Good for Violence K–8 and Too Good for Drugs K–8.	
Too Good for Drugs & Violence offers 10 lessons to be delivered once a week for 10 weeks in a single grade level plus 12 additional lessons to be infused into English, science, health, and/or social studies courses so that students can gain critical information and practice essential skills throughout their high school years. These developmentally appropriate lessons feature topics of great interest to high school students, such as identifying the effects of underage drinking, distinguishing healthy and unhealthy relationships, and recognizing the stages of addiction and possible sources of help. Lessons reveal misconceptions about tobacco and marijuana, and the dangers of abusing prescription and over-the-counter drugs, ecstasy, cocaine, and methamphetamine. Students also learn to analyze media influence, deal with prejudice and discrimination, and de-escalate conflicts.	

<b>Project Northland</b>	
URL for more program information	<a href="http://www.hazelden.org/web/go/projectnorthland">http://www.hazelden.org/web/go/projectnorthland</a>
<p>Program description: Alcohol is the drug of choice for American teenagers, and alcohol use during early adolescence increases the likelihood of progression to heavy alcohol use and to the use of other illicit drugs. The influence of peers, family members, school, the media, and the community have been shown to play a critical role in promoting or discouraging alcohol use among teens. Thus, the prevention researchers who developed Project Northland focused on engaging not only youth but also schools, families, and the larger community in one comprehensive prevention effort.</p> <p><i>Project Northland Grades 6-8 - Alcohol Use Prevention Curriculum Used in SAMHSA's Reach Out Now Program</i> by Cheryl L. Perry, Ph.D., Kelli A. Komro, Ph.D., Carolyn L. Williams, Ph.D., Sara Veblen-Mortenson, M.S.W., M.P.H., and Bonnie S. Dudovitz, M.Ed. Developed by the University of Minnesota.</p>	
<b>Guiding Good Choices</b>	
URL for more program information	<a href="http://www.channing-bete.com/prevention-programs/guiding-good-choices/guiding-good-choices.html">http://www.channing-bete.com/prevention-programs/guiding-good-choices/guiding-good-choices.html</a>
Program description: No data	
<b>Passport To Peace</b>	
URL for more program information	<a href="http://www.hanleycenter.org/prevention/programs-services/passport-to-peace/">http://www.hanleycenter.org/prevention/programs-services/passport-to-peace/</a>
Program description: No data	
<b>Life Skills Training</b>	
URL for more program information	<a href="http://www.lifeskillstraining.com">http://www.lifeskillstraining.com</a>
Program description: No data	

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	No formal collaborative agreements
<p>Program description: The Miccosukee Tribe operates an educational system ranging from the Head Start preschool program through senior high school, adult, vocational, and higher education programs and other social services. The Seminole Tribe maintains an Education Division comprised of programs that deliver educational services to all Tribal members beginning at 5 years old through senior citizens. The programs are delivered to all six reservations, all nonresistance Seminole, and throughout the Nation. The administrative offices are located in Hollywood, FL, with local education program personnel on the reservations to coordinate the education services. In addition, those Tribal members who reside in the community are able to participate in substance abuse programs throughout the school system and community.</p>	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: No data	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
<p>Best practice standards description: The Best Practices Recognition Program provides recognition for those programs that exemplify "best practice" methods in substance abuse prevention and treatment services. These programs' efforts are shown to measurably improve service outcomes and the quality of life for program participants. All aspects of the Best Practices Recognition Program process are intended to bring recognition to the recipients, to the quality of care for persons receiving substance abuse supports and services, and to the efforts being made in providing substance abuse services in Florida.</p> <p>The Substance Abuse Response Guide (SARG): The Substance Abuse Program's Prevention Team uses SARG to help communities change conditions that underlie illegal, illicit, and problematic alcohol and drug use patterns and related consequences in the State of Florida (<a href="http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/prevention.shtml">http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/prevention.shtml</a>).</p>	

<p>Evidence-Based Practice Initiative (<a href="http://fcpr.fsu.edu/prevention/fps_document.html">http://fcpr.fsu.edu/prevention/fps_document.html</a>): When speaking about implementing a prevention program or strategy “with fidelity,” the process starts with its selection. Even faithful implementation of a program or strategy that poorly fits the needs and make-up of the community can be as ineffective as implementing a program with no evidence of effectiveness. Thoughtful selection is essential. Three principles drive selection: relevance, appropriateness, and evidence of effectiveness. It is important that a program or strategy have evidence that it is likely to influence troublesome factors or conditions that are driving a community’s substance abuse problems. It is also important that the program or strategy be supported by the community and that it fits the community’s demographics, culture, resources, and capacity. This guidance provides elements that reflect a selection process that achieves good fit. It includes a glossary of terms, one list of benchmarks for the process and another for provider qualities, and a more indepth discussion of each element. The principle of goodness of fit, as reflected in the elements of relevance and appropriateness, will be the foundation of the Department’s Evidence-Based Practices Initiative. Circuits and managing entities will use them to make funding and resource allocation decisions and assure the implementation of evidence-based practices.</p>	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
<i>Committee contact information:</i>	
Name: Skip Forsyth Email: skip_forsyth@dcf.state.fl.us Address: 1317 Windwood Blvd., Bldg. 6, Rm. 300, Tallahassee, FL 32399 Phone: 850-717-4411	
<i>Agencies/organizations represented on the committee:</i>	
Department of Education Department of Children and Families Department of Juvenile Justice Division of Alcoholic Beverages and Tobacco Department of Health	
<i>A Web site or other public source exists to describe committee activities</i>	No
URL or other means of access	Not applicable

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Florida Office of Drug Control Plan can be accessed via: <a href="http://drugcontrol.flgov.com/odc_strategies.html">http://drugcontrol.flgov.com/odc_strategies.html</a>	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Health Economics Research Group, Sociology Research Center, University of Miami Plan can be accessed via: <a href="http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/CostOfUnderageDrinkingInFlorida_060809_FINAL.pdf">http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/CostOfUnderageDrinkingInFlorida_060809_FINAL.pdf</a>	
<b>Additional Clarification</b>	
No data	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable

<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	\$635,000
Estimate based on the 12 months ending	06/30/2010
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

#### **Funds Dedicated to Underage Drinking**

*State derives funds dedicated to underage drinking from the following revenue streams:*

Taxes	No
Fines	No
Fees	No
Other	No data

*Description of funding streams and how they are used:* No data

#### **Additional Clarification**

No data