

1                                   A bill to be entitled  
 2           An act relating to open parties; amending s. 856.015,  
 3           F.S.; revising definitions to apply the restrictions  
 4           formerly applicable to open house parties to all open  
 5           parties and not solely those parties occurring in a  
 6           residence; prohibiting a person from granting  
 7           permission for an open party to take place; providing  
 8           criminal penalties; conforming provisions; providing  
 9           an effective date.

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

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13           Section 1. Section 856.015, Florida Statutes, is amended  
 14 to read:

15           856.015 Open ~~house~~ parties.—

16           (1) Definitions.—As used in this section:

17           (a) "Alcoholic beverage" means distilled spirits and any  
 18 beverage containing 0.5 percent or more alcohol by volume. The  
 19 percentage of alcohol by volume shall be determined in  
 20 accordance with ~~the provisions of~~ s. 561.01(4)(b).

21           (b) "Control" means the authority or ability to regulate,  
 22 direct, or dominate.

23           (c) "Drug" means a controlled substance, ~~as that term is~~  
 24 defined in ss. 893.02(4) and 893.03.

25           (d) "Minor" means an individual not legally permitted by  
 26 reason of age to possess alcoholic beverages pursuant to chapter  
 27 562.

28           (e) "Open ~~house~~ party" means a social gathering at any

29 | property ~~a residence~~.

30 | (f) "Person" means an individual 18 years of age or older.

31 | (g) "Property" means a residence, vacant structure, or  
 32 | open acreage with or without a structure.

33 | (h) ~~(g)~~ "Residence" means a home, apartment, condominium,  
 34 | or other dwelling unit.

35 | (2) A person having control of any property ~~residence~~ may  
 36 | not grant permission for ~~allow~~ an open ~~house~~ party to take place  
 37 | at the property ~~residence~~ if ~~any alcoholic beverage or drug is~~  
 38 | ~~possessed or consumed at the residence by any minor where the~~  
 39 | person knows that an alcoholic beverage or drug will be or is in  
 40 | the possession of or will be or is being consumed by a minor at  
 41 | the open party ~~residence~~ and if ~~where~~ the person fails to take  
 42 | reasonable steps to prevent the possession or consumption of the  
 43 | alcoholic beverage or drug.

44 | (3) ~~The provisions of~~ This section does ~~shall~~ not apply to  
 45 | the use of alcoholic beverages at legally protected religious  
 46 | observances or activities.

47 | (4) Any person who violates ~~any of the provisions of~~  
 48 | subsection (2) commits a misdemeanor of the second degree,  
 49 | punishable as provided in s. 775.082 or s. 775.083. A person who  
 50 | violates subsection (2) a second or subsequent time commits a  
 51 | misdemeanor of the first degree, punishable as provided in s.  
 52 | 775.082 or s. 775.083.

53 | (5) If a violation of subsection (2) causes or contributes  
 54 | to causing serious bodily injury, as defined in s. 316.1933, or  
 55 | death to the minor, or if the minor causes or contributes to  
 56 | causing serious bodily injury or death to another as a result of

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57 | the minor's consumption of alcohol or drugs at the open ~~house~~  
58 | party, the violation is a misdemeanor of the first degree,  
59 | punishable as provided in s. 775.082 or s. 775.083.

60 |       Section 2. This act shall take effect October 1, 2013.