

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 16, 1998

Revised: _____

Subject: Beverage Law

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Rodriguez</u>	<u>Guthrie</u>	<u>RI</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill allows an accredited college to offer to persons 17 years of age or older, a required curriculum course that requires the tasting of alcoholic beverages for instructional purposes. The alcoholic beverages must remain in the possession and control of an authorized personnel who must be over 21 years of age. The student and the college must indemnify the state.

This bill substantially amends sections 562.11 and 562.111 of the Florida Statutes.

II. Present Situation:

Section 562.11, F.S., provides that it is unlawful to sell, give, or serve alcoholic beverages to a person under 21 years of age. It also provides that it is unlawful for any person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any alcoholic beverage licensee to sell, give, serve, or deliver any alcoholic beverages to a person under 21 years of age. A person convicted of these provisions is guilty of a misdemeanor of the second degree.

Section 562.111, F.S., provides that it is unlawful for a person under the age of 21 to possess alcoholic beverages, unless the person is employed by a licensee and is acting within the scope of his or her employment. Any person under the age of 21 who is convicted of a violation of this section is guilty of a misdemeanor of the second degree, except that a subsequent conviction for this same type of offense results in a misdemeanor of the first degree.

III. Effect of Proposed Changes:

Section 1 amends s. 562.11, F.S., to provide that a person may give or serve alcoholic beverages to a college student 17 years of age or older under certain circumstances. The alcoholic beverage must be delivered as part of a student's required curriculum during classes and must at all times remain in the possession and control of the instructional personnel, who must be 21 years of age or older. The alcoholic beverages required to be tasted by the student must be provided for instructional purposes only and may not be offered for consumption or imbibed by the student.

The college that offers the course must offer at least a baccalaureate degree and must have been accredited by one of the six regional accreditation boards recognized by the Department of Education. The college must indemnify the state for any civil action arising from this authorization. The college must also execute a waiver and consent that indemnifies the state for any wrongdoing that may arise from such authorization.

Section 2 amends s. 562.111, F.S., to provide that a student who is 17 years of age or older may taste alcoholic beverages if the student is enrolled in a college course that is part of the required curriculum. This section specifies that the student may only taste the alcoholic beverages and may not consume or imbibe the alcoholic beverages, which must always be in the possession and control of the authorized instructional personnel. Such personnel must be over 21 years of age.

Section 3 provides an effective date of July 1, 1998.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may increase the number of classes offered that require the tasting or imbibing of alcoholic beverages for instructional purposes.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides the agency with adequate and appropriate standards to implement the legislation.

VIII. Amendments:

None.