

By the Committee on Regulated Industries and Senator Silver

315-2077A-98

1                                   A bill to be entitled  
2           An act relating to the Beverage Law; amending  
3           ss. 562.11, 562.111, F.S.; providing an  
4           exemption for giving or serving to certain  
5           underage students alcoholic beverages that are  
6           delivered as part of a required curriculum at  
7           an accredited college; providing an exemption  
8           for the possession of alcoholic beverages by  
9           underage students in specified circumstances;  
10          providing an effective date.

11

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

13

14           Section 1. Subsection (4) is added to section 562.11,  
15 Florida Statutes, to read:

16           562.11 Selling, giving, or serving alcoholic beverages  
17 to person under age 21; misrepresenting or misstating age or  
18 age of another to induce licensee to serve alcoholic beverages  
19 to person under 21; penalties.--

20           (4) This section does not apply to a person who gives,  
21 serves, or permits to be served an alcoholic beverage to a  
22 student who is 17 years of age or older, if the alcoholic  
23 beverage is delivered as part of the student's required  
24 curriculum at a college that offers at least a baccalaureate  
25 degree and is accredited by one of the six regional  
26 accreditation boards recognized by the Department of  
27 Education; if the student is enrolled in the college and is  
28 required to taste alcoholic beverages that are provided only  
29 for instructional purposes during classes conducted under the  
30 supervision of authorized instructional personnel pursuant to  
31 such a curriculum; if alcoholic beverages are never offered

1 for consumption or imbibed by such a student and such  
2 alcoholic beverages at all times remain in the possession and  
3 control of such instructional personnel, who must be 21 years  
4 of age or older; and if the college indemnifies the state and  
5 causes each participating student to execute a waiver and  
6 consent in favor of, and indemnifies and holds harmless, the  
7 state.

8 Section 2. Present subsection (2) of section 562.111,  
9 Florida Statutes, is redesignated as subsection (3), and a new  
10 subsection (2) is added to that section, to read:

11 562.111 Possession of alcoholic beverages by persons  
12 under age 21 prohibited.--

13 (2) The prohibition against the possession of  
14 alcoholic beverages which is set forth in this section does  
15 not apply to the tasting of alcoholic beverages by a student  
16 who is 17 years of age or older, who is tasting the alcoholic  
17 beverages as part of the student's required curriculum at a  
18 college that offers at least a baccalaureate degree and is  
19 accredited by one of the six regional accreditation boards  
20 recognized by the Department of Education, and who is enrolled  
21 in the college and is tasting the alcoholic beverages only for  
22 instructional purposes during classes that are part of such a  
23 curriculum, provided that such a student shall only be allowed  
24 to taste, but not consume or imbibe, such alcoholic beverages  
25 and that such alcoholic beverages at all times remain in the  
26 possession and control of authorized instructional personnel  
27 of the college, who must be 21 years of age or older.

28 Section 3. This act shall take effect July 1, 1998.  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   SB 1642  
4 Clarifies that the student must be 17 years of age or older  
5 and that the required curriculum course requires the tasting  
6 of alcoholic beverages for instructional purposes.  
7 Provides that the alcoholic beverages must remain in the  
8 possession and control of an authorized personnel who must be  
9 over 21 years of age.  
10 Provides that the student and the college must indemnify the  
11 state.  
12 Eliminates the provisions in the bill that require the college  
13 to obtain a special beverage instructional license.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31