

By Senator Silver

38-221-00

See HB 5

1 A bill to be entitled
2 An act relating to the Beverage Law; amending
3 ss. 562.11 and 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 institution; providing an
8 exemption for the possession of alcoholic
9 beverages by underage students in specified
10 circumstances; providing an effective date.

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

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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 over 17 years of age, if the alcoholic beverage
23 is delivered as part of the student's required curriculum at a
24 postsecondary educational institution that is institutionally
25 accredited by an agency recognized by the United States
26 Department of Education and is either licensed or exempt from
27 licensure by the State Board of Independent Colleges and
28 Universities or that is a public postsecondary education
29 institution; if the student is enrolled in the college and is
30 required to taste alcoholic beverages that are provided only
31 for instructional purposes during classes conducted under the

1 supervision of authorized instructional personnel pursuant to
2 such a curriculum; if the alcoholic beverages are never
3 offered for consumption or imbibed by such a student and at
4 all times remain in the possession and control of such
5 instructional personnel, who must be 21 years of age or older;
6 and if the college indemnifies the state and causes each
7 participating student to execute a waiver and consent in favor
8 of, and indemnifies and holds harmless, the state.

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

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

14 (2) The prohibition against the possession of
15 alcoholic beverages which is set forth in this section does
16 not apply to the tasting of alcoholic beverages by a student
17 who is over 17 years of age, who is tasting the alcoholic
18 beverages as part of the student's required curriculum at a
19 postsecondary educational institution that is institutionally
20 accredited by an agency recognized by the United States
21 Department of Education and is either licensed or exempt from
22 licensure by the State Board of Independent Colleges and
23 Universities or that is a public postsecondary education
24 institution, if the student is enrolled in the college and is
25 tasting the alcoholic beverages only for instructional
26 purposes during classes that are part of such a curriculum; if
27 the student is allowed only to taste, but not consume or
28 imbibe, the alcoholic beverages; and if the alcoholic
29 beverages at all times remain in the possession and control of
30 authorized instructional personnel of the college, who must be
31 21 years of age or older.

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Section 3. This act shall take effect July 1, 2000.

LEGISLATIVE SUMMARY

Provides that a prohibition against the selling, giving, or serving of alcoholic beverages to persons under the age of 21 does not apply to a person who gives, serves, or permits to be served alcoholic beverages to a student who is over 17 years of age, if the alcoholic beverage is delivered as a part of the student's required curriculum at a described postsecondary educational institution. Provides an exemption for the possession of alcoholic beverages by such underage students. (See bill for details.)