

By Senator Garcia

39-317-01

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 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 at least 18 years of age, if the alcoholic
 23 beverage is delivered as part of the student's required
 24 curriculum at a postsecondary educational institution that is
 25 institutionally accredited by an agency recognized by the
 26 United States Department of Education and is licensed or
 27 exempt from licensure by the State Board of Independent
 28 Colleges and Universities or that is a public postsecondary
 29 education institution; if the student is enrolled in the
 30 college and is required to taste alcoholic beverages that are
 31 provided only for instructional purposes during classes

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

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

31 Section 3. This act shall take effect July 1, 2001.

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SENATE 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 at least 18 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.)