

By Senator Garcia

39-769A-02

See HB 417

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 specified institutions; providing an exemption
8 for the possession of alcoholic beverages by
9 underage students in specified circumstances;
10 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 pursuant to chapter 246 or that is a
28 public postsecondary education institution; if the student is
29 enrolled in the college and is required to taste alcoholic
30 beverages that are provided only for instructional purposes
31 during classes conducted under the supervision of authorized

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

8 Section 2. Present subsection (2) of section 562.111,
9 Florida Statutes, is renumbered 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 in this section against the
14 possession of alcoholic beverages does not apply to the
15 tasting of alcoholic beverages by a student who is at least 18
16 years of age, who is tasting the alcoholic beverages as part
17 of the student's required curriculum at a postsecondary
18 educational institution that is institutionally accredited by
19 an agency recognized by the United States Department of
20 Education and is licensed or exempt from licensure pursuant to
21 chapter 246 or that is a public postsecondary education
22 institution; if the student is enrolled in the college and is
23 tasting the alcoholic beverages only for instructional
24 purposes during classes that are part of such a curriculum; if
25 the student is allowed only to taste, but not consume or
26 imbibe, the alcoholic beverages; and if the alcoholic
27 beverages at all times remain in the possession and control of
28 authorized instructional personnel of the college who are 21
29 years of age or older.

30 Section 3. This act shall take effect July 1, 2002.

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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 at least 18 years of age, and is required to taste alcoholic beverages only for instructional purposes as a part of the student's required curriculum at a described postsecondary educational institution if the alcoholic beverages are never offered for consumption or imbibed by such student and at all times remain in the possession and control of instructional personnel. Provides an exemption for the possession of alcoholic beverages by such underage students. (See bill for details.)