

By the Committee on Education; and Senator Garcia

304-1846-02

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 accredited institutions; 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 pursuant to the provisions of chapter  
28 246 or that is a public postsecondary education institution;  
29 if the student is enrolled in the college and is required to  
30 taste alcoholic beverages that are provided only for  
31 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 each participating student executes a waiver and  
7 consent in favor of the state and indemnifies the state and  
8 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  
22 pursuant to chapter 246 or is a public postsecondary education  
23 institution; if the student is enrolled in the college and is  
24 tasting the alcoholic beverages only for instructional  
25 purposes during classes that are part of such a curriculum; if  
26 the student is allowed only to taste, but not consume or  
27 imbibe, the alcoholic beverages; and if the alcoholic  
28 beverages at all times remain in the possession and control of  
29 authorized instructional personnel of the college who are 21  
30 years of age or older.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1176

Technical changes to clarify the purpose and intent of the bill.