

By Representative Ball

1                                   A bill to be entitled  
2           An act relating to open house parties; amending  
3           s. 856.015, F.S.; revising definitions;  
4           prohibiting persons age 18 or older from  
5           allowing open house parties at any residence if  
6           alcoholic beverages or drugs are possessed or  
7           consumed by a minor; providing a penalty;  
8           providing an effective date.

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

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12           Section 1.   Section 856.015, Florida Statutes, is  
13   amended to read:

14           856.015   Open house parties.--

15           (1)   Definitions.--As used in this section:

16           (a)~~(b)~~ "Alcoholic beverage" means distilled spirits  
17   and any beverage containing 0.5 percent or more alcohol by  
18   volume.  The percentage of alcohol by volume shall be  
19   determined in accordance with the provisions of s.  
20   561.01(4)(b).

21           (b)~~(c)~~ "Control" means the authority or ability to  
22   regulate, direct, or dominate.

23           (c)~~(d)~~ "Drug" means a controlled substance, as that  
24   term is defined in ss. 893.02(4) and 893.03.

25           (d)~~(e)~~ "Minor" means an individual ~~a person~~ not  
26   legally permitted by reason of age to possess alcoholic  
27   beverages pursuant to chapter 562.

28           (e)~~(f)~~ "Open house party" means a social gathering at  
29   a residence.

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1            (f)(a) "Person Adult" means an individual 18 years of  
2 age or older ~~a person not legally prohibited by reason of age~~  
3 ~~from possessing alcoholic beverages pursuant to chapter 562.~~

4            (g) "Residence" means a home, apartment, condominium,  
5 or other dwelling unit.

6            (2) No person adult having control of any residence  
7 shall allow an open house party to take place at said  
8 residence if any alcoholic beverage or drug is possessed or  
9 consumed at said residence by any minor where the person adult  
10 knows that an alcoholic beverage or drug is in the possession  
11 of or being consumed by a minor at said residence and where  
12 the person adult fails to take reasonable steps to prevent the  
13 possession or consumption of the alcoholic beverage or drug.

14            (3) The provisions of this section shall not apply to  
15 the use of alcoholic beverages at legally protected religious  
16 observances or activities.

17            (4) Any person who violates any of the provisions of  
18 subsection (2) commits ~~is guilty of~~ a misdemeanor of the  
19 second degree, punishable as provided in s. 775.082 or s.  
20 775.083.

21            Section 2. This act shall take effect July 1, 2002.

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24            HOUSE SUMMARY

25            Prohibits persons age 18 or older from allowing open  
26 house parties at any residence if alcoholic beverages or  
27 drugs are possessed or consumed by a minor. Revises  
28 definitions. Provides a penalty.  
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