

By Representative Prieguez

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 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 Commission for Independent  
28 Education 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 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 said 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 Commission for Independent Education or is a public  
23 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, 2002.

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HOUSE 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.